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Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Sixth session
Geneva, 2–5 June 2014
Items 3 (a) and 11 (a) of the provisional agenda

Outstanding issues: draft decisions by the Meeting of the Parties to the Convention

Adoption of decisions: decisions to be taken by the Meeting of the Parties to the Convention

Draft decisions by the Meeting of the Parties to the Convention

Proposal by the Bureau

Summary

The draft decisions contained in the present document were prepared by the Bureau of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context, with the support of the Convention secretariat, taking into account the comments made by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its third meeting (Geneva, 11–15 November 2013).

The list of proposed corrections the Convention in the annex to draft decision VI/6 was initially prepared by an ad hoc task force to the Working Group. Following consultation of the national focal points to the Convention, the Bureau reviewed and finalized the list taking into account the comments received.

The Meeting of the Parties to the Convention is expected to review the text of the draft decisions contained in the present document and agree on their adoption.

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Contents

Decision		*Page*
VI/1.	Reporting and review of implementation	3
VI/6.	Aligning the authentic language versions of the Convention	5
VI/7.	Application of the Convention to nuclear energy-related activities	10
VI/8.	General guidance on enhancing consistency between the Convention and environmental impact assessment within State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia	11
VI/9.	Good practice on communication, cooperation and conflict resolution	12

Decision VI/1

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session*]

Reporting and review of implementation

The Meeting of the Parties to the Convention,

Recalling its decisions III/1, IV/1 and V/3 on the review of implementation, and decision V/7 on reporting and the review of implementation,

Recalling also article 14 bis of the Convention, as adopted by its decision III/7, which places a legal obligation on Parties to report on their implementation of the Convention,

Recognizing once again that regular reporting by each Party provides important information that facilitates the review of compliance under the Convention and thereby contributes to the work of the Implementation Committee,

Having analysed the reports provided by Parties in response to the questionnaire for the reporting system,

Expressing concern that the following States Parties that were Parties to the Convention during the period under review have not responded to the questionnaire on time: Bosnia and Herzegovina, Ireland, Luxembourg and the United Kingdom of Great Britain and Northern Ireland,

Strongly emphasizing the importance of the timely submission of reports,

1. *Welcomes* the reports by Parties on their implementation, which have been made available on the website of the Convention;

2. *Adopts* the Fourth Review of Implementation of the Convention (ECE/MP.EIA/2014/3) and requests the secretariat to arrange for its publication in an appropriate form;

3. *Notes* the findings of the Fourth Review of Implementation, including the following possible weaknesses or shortcomings in the Convention's implementation by Parties:

(a) A frequent lack of definition in national legislation of several terms used in the Convention, such as "promptly", "due account" or "reasonably obtainable";

(b) A failure by some Parties to recognize that, in accordance with article 3, paragraph 8, and article 4, paragraph 2, the "concerned Parties" are both responsible for ensuring opportunities for public participation;

(c) A failure to recognize that article 5 provides for transboundary consultations distinct from article 4, paragraph 2;

(d) A frequent lack of definition of the "final decision" (art. 6) and of specification of its required content;

(e) A lack of experience in carrying out post-project analysis (art. 7);

(f) A continuing need for bilateral and multilateral agreements or other arrangements, particularly to address differences between Parties in: the content of the notification; language; time frames; how to proceed when there is no response to a

notification or if there is disagreement about the need for notification; the interpretation of various terms (such as "due account", "promptly", "reasonably obtainable", etc.); and the requirement for post-project analysis;

(g) Confusion among the Parties about the respective functions of the point of contact for notification and the focal point for administrative matters;

(h) A continuing need to further improve awareness of and capacity in the implementation of the Convention's obligations by the competent authorities at the national and regional levels, environmental impact assessment experts and practitioners, civil society, investors and academics;

4. *Requests* the secretariat to bring to the attention of the Implementation Committee general and specific compliance issues identified in the Fourth Review of Implementation of the Convention, and requests the Implementation Committee to take these into account in its work;

5. *Urges* Bosnia and Herzegovina, Ireland, Luxembourg and the United Kingdom to provide the overdue responses to the questionnaire, and requests the secretariat to make them available on the Convention website;

6. *Requests* the Implementation Committee to revise and simplify the current questionnaire and to provide a modified version of the questionnaire on the implementation of the Convention during the period 2013–2015, for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment and for circulation by the secretariat thereafter;

7. *Further requests* the Implementation Committee to take into account the suggestions provided by Parties for improving the questionnaire and the report;

8. *Decides* that Parties shall complete the modified questionnaire as a report on their implementation of the Convention during the period 2013–2015, noting the obligation to report arising from article 14 bis of the Convention, as adopted by its decision III/7, and that a failure to report on implementation might be a compliance matter to be considered by the Implementation Committee;

9. *Urges* Parties to report by the deadline to be agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;

10. *Requests* the secretariat to put the project lists included in the answers to the questionnaire on the website of the Convention, unless the responding Party does not agree;

11. *Further decides* that a draft review of implementation of the Convention during the period 2013–2015 based on the reports by Parties will be presented at the seventh session of Meeting of the Parties of the Convention, and that the workplan shall reflect the elements required to prepare the draft review;

12. *Also requests* the secretariat to post the review of implementation of the Convention and national reports on the website of the Convention in the languages in which they are available.

Decision VI/6

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session*]

Aligning the authentic language versions of the Convention

The Meeting of the Parties to the Convention,

Recalling decision II/10 of the Meeting of the Parties to the Convention on the review of the Convention,

Aware that discrepancies between the three authentic language versions of the Convention have been identified in the course of the implementation of the Convention,

Concerned that such discrepancies might lead to different interpretations and inconsistencies in the application of the Convention by its Parties,

Determined to ensure the full alignment of the three authentic texts of the Convention,

Having considered the outcome of the review of the text of the three authentic language versions of the Convention conducted by a team of editors of the United Nations, listing discrepancies between these three versions,

Having also considered the additional guidance provided by the Treaty Section of the United Nations Office for Legal Affairs,

Additionally having considered the possible further discrepancies observed by Belarus and the non-governmental organization European ECO Forum between the English and the Russian versions of the Convention, and by Switzerland between the English and French versions of the Convention,

Further having considered the work by the ad hoc task force established by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment to review the discrepancies identified and to distinguish between technical errors to be addressed through a correction procedure and possible substantive discrepancies to be addressed through the amendment procedure, set out in article 14 of the Convention;

1. *Agrees* that discrepancies identified between the three authentic language versions of the Convention are of a technical nature;

2. *Proposes* that these technical discrepancies should be addressed through a correction procedure;

3. *Requests* the secretariat to submit the list of proposed corrections to the Convention, as annexed to this decision, to the Secretary-General of the United Nations as the depositary of the Convention with a view to their being addressed accordingly.

Annex

List of proposed corrections to the Convention[1]

1. **Preamble, fourth paragraph, Russian text**

   For значительных вредных видов воздействий *read* значительного вредного воздействия

2. **Preamble, last paragraph, French text**

   For Bergen, (Norvège) *read* Bergen (Norvège)

3. **Article 1, paragraph (iv), Russian text**

   For в применении методов оценки *read* в оценке

4. **Article 1, paragraph (iv), French text**

   For en application à *read* en application de

5. **Article 2, paragraph 1, French text**

   For combattre l'impact *read* maîtriser l'impact

6. **Article 2, paragraph 1, Russian text**

   For воздействия в результате *read* воздействия на окружающую среду в результате

7. **Article 2, paragraph 2, Russian text**

   For общественности, и подготовку документации *read* общественности и подготовки документации

8. **Article 2, paragraph 6, Russian text**

   For затронуты *read* подвергнуты воздействию

9. **Article 2, paragraph 8, Russian text**

   For интересам национальной безопасности *read* национальной безопасности

10. **Article 3, paragraph 1, French text**

    For suffisantes *read* adéquates

11. **Article 3, paragraph 2 (a), Russian text**

    For информацию *read* Информацию

12. **Article 3, paragraph 2 (b), English text**

    For The nature *read* Information on the nature

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[1] For the authentic language versions of the Convention, see the Certified True Copy, available from https://treaties.un.org/doc/Treaties/1991/02/19910225%2008-29%20PM/Ch_XXVII_04p.pdf.

13. **Article 3, paragraph 2 (b), Russian text**

For информацию *read* Информацию

14. **Article 3, paragraph 2 (c), Russian text**

For указание *read* Указание

15. **Article 3, paragraph 4, first sentence, English text**

For paragraphs 5, 6, 7 and 8 *read* paragraphs 5 to 8

16. **Article 3, paragraph 4, first sentence, French text**

For paragraphes 5, 6, 7 et 8 *read* paragraphes 5 à 8

17. **Article 3, paragraph 4, first sentence, Russian text**

For пунктов 5, 6, 7 и 8 *read* пунктов 5–8

18. **Article 3, paragraph 6, first sentence, English text**

For An affected Party *read* The affected Party

19. **Article 3, paragraph 7, third sentence, French text**

For elles peuvent, l'une ou l'autre, soumettre *read* l'une quelconque d'entre elles peut soumettre

20. **Article 3, paragraph 8, Russian text**

For затронуты *read* подвергнуты воздействию

21. **Article 4, paragraph 2, first sentence, French text**

For à la Partie touchée, par l'intermédiaire, selon qu'il convient, d'un organe commun *read* à la Partie touchée et, selon qu'il convient, par l'intermédiaire d'un organe commun

22. **Article 4, paragraph 2, first sentence, Russian text**

For затрагиваемой Стороне соответствующим образом через совместный орган *read* затрагиваемой Стороне, при необходимости, через совместный орган

23. **Article 5 (a), Russian text**

For альтернативу непринятия никаких действий *read* вариант отказа от деятельности

24. **Article 5, last paragraph, second sentence, Russian text**

For там, где таковой *read* там, если таковой

25. **Article 6, paragraph 1, Russian text**

For консультаций, указанных в Статье 5 *read* указанных в Статье 5 консультаций

26. **Article 7, paragraph 1, first sentence, Russian text**

For осуществляется *read* осуществлялась

27. **Article 8, second sentence, French text**

For dispositions fondamentales énumérées *read* éléments énumérés

28. **Article 11, paragraph 1, first sentence, English text**

For Senior Advisers to ECE Governments on Environmental and Water Problems *read* Senior Advisers to Governments of the Economic Commission for Europe on Environmental and Water Problems

29. **Article 11, paragraph 1, first sentence, French text**

For des Conseillers des gouvernements des pays de la CEE pour les problèmes de l'environnement et de l'eau *read* des Conseillers des gouvernements des pays de la Commission économique pour l'Europe pour les problèmes de l'environnement et de l'eau

30. **Article 11, paragraph 1, first sentence, Russian text**

For советников правительств стран ЕЭК по проблемам окружающей среды и водных *read* советников правительств стран Европейской экономической комиссий по проблемам окружающей среды и водных ресурсов

31. **Article 11, paragraph 2 (c), French text**

For de comités scientifiques et d'organismes internationaux *read* d'organismes internationaux et de comités scientifiques

32. **Article 14, paragraph 4, first sentence, Russian text**

For доводит до сведения всех Сторон *read* направляет всем Сторонам

33. **Article 15, paragraph 1, Russian text**

For способом по своему усмотрению *read* способом, приемлемым для сторон спора

34. **Article 16, Russian text**

For передали *read* включая

35. **Article 17, paragraph 1, Russian text**

For его государствами *read* ее государствами

36. **Appendix I, subparagraph (a) of the footnote to paragraph 7, Russian text**

For участков на временной *read* участков или на временной

37. **Appendix I, pararaph 9, Russian text**

For допускающих *read* допускающие

38. **Appendix I, item 10, Russian text**

For Установки *read* Сооружения

39. **Appendix II, subparagraph (b), French text**

For des solutions de remplacement (par exemple en ce qui concerne le lieu d'implantation ou la technologie) *read* des solutions de remplacement (par exemple en ce qui concerne le lieu d'implantation ou la technologie) de l'activité proposée

40. Appendix II, subparagraph (d), Russian text

For описание возможных видов воздействия на окружающую среду планируемой деятельности и ее альтернативных вариантов и оценка их масштабов *read* описание возможного воздействия на окружающую среду планируемой деятельности и ее альтернативных вариантов и оценка его значительности

41. Appendix II, subparagraph (e), Russian text

For описание предохранительных мер *read* описание мер по уменьшению воздействия

42. Appendix III, title, Russian text

For экологического значения *read* экологической значительности

43. Appendix III, paragraph 1, Russian text

For изучить *read* рассмотреть

44. Appendix III, paragraph 1 (b), English text

For under the Ramsar Convention *read* under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)

45. Appendix III, paragraph 1 (b), French text

For la Convention de Ramsar *read* la Convention relative aux zones humides d'importance internationale particulièrement comme habitats des oiseaux d'eau (Convention de Ramsar)

46. Appendix III, paragraph 1 (b), Russian text

For Рамсарской конвенции *read* Конвенции о водно-болотных угодьях, имеющих международное значение главным образом в качестве местообитаний водоплавающих птиц (Рамсарская конвенция)

47. Appendix III, paragraph 1 (c), Russian text

For виды деятельности, оказывающие особенно сложное и потенциально вредное воздействие, включая такие виды воздействия, которые влекут за собой серьезные последствия для людей *read* виды деятельности, имеющие особенно сложные и потенциально вредные последствия, включая такие, которые влекут за собой серьезные последствия для людей

48. Appendix IV, paragraph 4, third sentence, Russian text

For председатель соответственно информирует *read* председатель информирует

49. Appendix IV, paragraph 12, second sentence, French text

For est assorti, éventuellement, de l'exposé des opinions dissidentes *read* est assorti de l'exposé d'éventuelles opinions dissidentes

50. Appendix V, first sentence, French text

For a notamment pour objet *read* a pour objet

51. **Appendix VI, paragraph 1, French text**

For le champ *read* le champ d'application

52. **Appendix VI, paragraph 2 (f), Russian text**

For значение *read* значительность

53. **Appendix VII, paragraph 1, first sentence, Russian text**

For Статьи 5 *read* Статьи 15

Draft decision IV/7

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session*]

Application of the Convention to nuclear energy-related activities

The Meeting of the Parties to the Convention,

Recalling its decision V/9–I/9 on adoption of the workplan up to the fifth meeting of the Parties,

Having considered the outcome of the workshop on the long-range impacts of nuclear energy-related activities foreseen in the workplan (ECE/MP.EIA/WG.2/2013/7, annex II),

Having also considered the outcome of the panel discussions on nuclear energy-related projects likely to have a significant adverse transboundary impact held at the fifth meeting of the Parties to the Convention (ECE/MP.EIA/15, paras. 44–47) and the background document prepared by the secretariat on the topic (ECE/MP.EIA/2011/5),

Additionally having considered the outcome of the discussions held on nuclear-energy related activities under the auspices of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/WG.1/2013/6, paras. 22–73),[2]

Aware that nuclear energy-related activities are being carried out or planned in the region,

Also aware of the opinions, findings and recommendations of the Implementation Committee under the Convention and the Protocol on Strategic Environmental Assessment regarding the application of the Convention to planned nuclear energy-related activities,

Recognizing that it is essential for Parties to meet fully their obligations deriving from the Convention and therefore urging them all to do so,

1. *Notes* the main findings of the workshop, which state, inter alia, that:

(a) Nuclear energy-related activities imply special challenges due to, e.g., the potentially wide scope of severe impacts, great public concern and national interests;

[2] Available from http://www.unece.org/env/pp/aarhus/wgp16.html.

(b) There was a major benefit in having an open discussion and sharing experiences, which showed the diversity of different practices in applying the Convention to such activities and facilitated learning from each other;

(c) Mutual understanding of other Parties' needs gives good ground for their better cooperation with a view to fully applying the Convention;

(d) Further discussion is needed on identifying good practice in applying the Convention to nuclear energy-related activities;

2. *Welcomes* the practical experience presented at the workshop by countries and organizations within the region and beyond;

3. *Recognizes* the need for good practice recommendations to assist countries in the practical application of the Convention to nuclear energy-related activities;

4. *Proposes* to include in the Convention workplan the elaboration, with the assistance of a consultant, of good practice recommendations to support the application of the Convention to nuclear energy-related activities;

5. *Decides* that the recommendations should build on document ECE/MP.EIA/2011/5 on the application of the Convention to nuclear energy-related activities;

6. *Establishes* an editorial group with a mandate to oversee the development of the draft recommendations;

7. *Decides* that the ad hoc editorial group should work electronically and finalize the draft recommendations for consideration by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment before their submission for adoption to the Meeting of the Parties to the Convention at its seventh session;

8. *Invites* Parties and non-Parties and other stakeholders to lead and contribute to work under this activity, including through providing further examples of practical experience for inclusion in the recommendations which the secretariat shall make available on the Convention website.

Draft decision VI/8

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session*]

General guidance on enhancing consistency between the Convention and environmental impact assessment within the framework of State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia

The Meeting of the Parties to the Convention,

Recalling decision V/9–I/9 of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment on the adoption of the workplan,

Recognizing that in the past decades Parties and non-Parties to the Convention in Eastern Europe, the Caucasus and Central Asia have significantly developed their

legislation on environmental impact assessment, in line with their obligations under the Convention,

Aware that the national legislation and systems in countries of the subregion share many commonalities, but also present distinctive features and represent various degrees of development,

Wishing to assist Parties to the Convention in Eastern Europe, the Caucasus and Central Asia in complying fully with their obligations under the Convention, and to promote the effective application of the Convention in the subregion,

Recognizing that compliance concerns both legal implementation and practical application,

1. *Endorses* the general guidance on enhancing consistency between the Convention and environmental impact assessment within State ecological expertise in Countries of Eastern Europe, the Caucasus and Central Asia (Guidance), as contained in document ECE/MP.EIA/2014/2;

2. *Recommends* that the Parties in Eastern Europe, the Caucasus and Central Asia take into account the contents of the Guidance when implementing and applying the Convention;

3. *Calls on* these Parties to distribute the Guidance to authorities and relevant stakeholders;

4. *Proposes* that the Guidance is used in the capacity-building activities included in the workplan.

Draft decision VI/9

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session*]

Good practice on communication, cooperation and conflict resolution

The Meeting of the Parties to the Convention,

Recognizing that the Convention is a key instrument for promoting communication, exchange of information and consultations, involving also public participation, between its Parties, in line with its provisions,

Wishing to promote and facilitate the effective application of the Convention by all Parties to the Convention,

Having considered the outcome of the seminar on good practice on communication, cooperation and conflict resolution organized by the European Union, the International Association for Impact Assessment and the Chair of the Implementation Committee under the Convention and the Protocol (see ECE/MP.EIA/WG.2/2013/7, annex I),

1. *Endorses* the general conclusion of the seminar that:

(a) There were several examples of good practice on communication, cooperation and conflict resolution from which lessons could be learned; however, resolution of specific cases called for individual approaches;

(b) Cooperation between countries on environmental issues was possible independently of whether diplomatic relations existed;

(c) A series of confidence-building steps at the technical level, with due respect to the susceptibility of the countries involved and the sensitivity of each individual case, could be instrumental to commence the practical collaboration;

(d) Repercussions of conflicts could spread well beyond the borders of the countries directly involved, and eventually impact other countries;

(e) For conflicts that were resource-intensive, regardless of whether a country was involved directly or indirectly, all parties would benefit from progress towards cooperation;

2. *Encourages* Parties to take into account the outcomes of the seminar when applying the Convention.

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Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Sixth session

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Second session

Geneva, 2–5 June 2014
Items 3 (c) and 11 (c) of the provisional agenda

Outstanding issues: draft joint decisions

Adoption of decisions: decisions to be taken jointly

Draft joint decisions by the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Proposal by the Bureau

Summary

The draft decisions contained in the present document were prepared by the Bureau under the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment, with the support of the Convention secretariat, taking into account the comments made by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its third meeting (Geneva, 11–15 November 2013).

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Draft decision VI/5–II/5 on accession by Member States of the United Nations not members of the United Nations Economic Commission for Europe (ECE) has been amended by the Bureau based on legal advice from the Treaty Section of the United Nations Office of Legal Affairs. In accordance with the legal advice, the draft decision could not overrule the condition stipulated in the first amendment to the Convention that for the amendment to have effect it must first enter into force for all the 31 Parties that were Party to the Convention at the time of the amendment's adoption, i.e., on 27 February 2001. Pending the possibility for the non-ECE countries to accede to the Convention, the draft decision invites these countries to unilaterally accept the provisional application of the Convention (para. 5). In this context, the draft decision no longer refers to an Associate Party status, as this was not considered to be a legally viable option. Finally, the draft decision has been complemented with paragraphs 6 and 7 to address the terms of accession by non-ECE countries to the Protocol.

The Meeting of the Parties to the Convention and the Meeting of the Parties serving as the Meeting of the Parties to the Protocol, meeting in joint session, are expected to review the text of the draft decisions contained in the present document and agree on their adoption.

Contents

Decisions *Page*

VI/3–II/3 Adoption of the workplan 3

VI/4–II/4 Budget, financial arrangements and financial assistance 22

VI/5–II/5 Accession by Member States of the United Nations not members of the United Nations Economic Commission for Europe 34

Draft decision VI/3–II/3

[to be considered by the Meeting of the Parties to the Convention at its sixth session and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its second session]

Adoption of the workplan

The Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, meeting in joint session,

Recalling article 11, paragraph 2 (f), of the Convention, stipulating that the Meeting of the Parties to the Convention shall undertake additional action that may be required to achieve the purposes of the Convention,

Recalling also article 14, paragraph 4 (f), of the Protocol on Strategic Environmental Assessment, stipulating that the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol shall take additional action, including action to be carried out jointly under the Protocol and the Convention, that may be required to achieve the purposes of the Protocol,

Recognizing that it is essential for Parties to the Convention and the Protocol to meet fully their legal obligations arising under these treaties,

Recognizing also that Parties to the Convention and the Protocol should take action to maximize the effectiveness of their application of the Convention and the Protocol, respectively, so that the best possible practical results are achieved,

Recognizing with appreciation the valuable work carried out under the workplan adopted at the fifth session of the Meeting of the Parties to the Convention and the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment (decision V/9–I/9), particularly:

(a) The steps taken by Parties and non-Parties to ensure their environmental impact assessment systems are consistent with the provisions of the Convention and the Protocol to report accordingly;

(b) The workshops and pilot projects for subregional cooperation and capacity-building on environmental impact assessment (EIA) and strategic environmental assessment (SEA) organized by the Governments of Armenia, Belarus, Estonia, Germany, Poland and Ukraine;

(c) The seminars for the exchange of good practices organized by the Governments of Austria, Belgium, Finland, Poland and Sweden; and by the European Commission, the International Association for Impact Assessment (IAIA) and the Chair of the Implementation Committee,

Also recognizing with appreciation the substantial funding raised by the secretariat to allow implementation of the workplan activities, in particular in countries of Eastern Europe and the Caucasus,

Acknowledging that several workplan activities for subregional cooperation and capacity-building were no longer requested or were postponed to the next intersessional period by the countries that had proposed them,

Noting with satisfaction that the activities in the workplan adopted at the fifth session of the Meeting of the Parties to the Convention and the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, excluding those that had been cancelled, were approximately 68 per cent completed, with 100 per cent of priority 1 activities completed and approximately 94 per cent of priority 2 activities and 48 per cent of priority 3 activities completed,[1]

Also noting with satisfaction that the implementation of approximately 92 per cent of the remaining workplan activities were ongoing or being planned and would be completed in the next intersessional period,

Noting with concern the relatively limited funding available to support the implementation of the workplan activities in the countries of Central Asia,

Wishing to establish realistic intersessional workplans under the Convention and the Protocol by ensuring in advance the funding of the workplan activities,

1. *Decide* that activities for which no funding is identified should not be included in the workplan, but included on a waiting list until appropriate funding is made available;

2. *Adopt* the workplan and the waiting list of activities for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, as set out in the table annexed to the present decision;

3. *Suggest* that lead countries that carry out the relevant activities might consult each other in order to benefit from each other's experience and to avoid unnecessary overlap;

4. *Call on* the Parties, and also invite non-Parties, to arrange, host and participate actively in seminars, workshops and meetings to facilitate implementation of and compliance with the Convention and the Protocol;

5. *Invite* every relevant body or agency, whether national or international, governmental or non-governmental and, as appropriate, researchers, commercial firms, developers, consultants or other commercial entities to participate actively in the activities included in the workplan;

6. *Invite* the Economic Commission for Europe (ECE) Executive Secretary to continue supporting the work under the Convention and the Protocol by promoting the activities planned in the workplan, providing formal documentation for and ensuring publication of the outcomes of these activities in the three official languages of the ECE, as appropriate.

[1] Activities included in the budget adopted by the Convention and the Protocol for the period up to the sixth session of the Meeting of the Parties to the Convention and the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol contained in annex I of decision V/10–I/10 were assigned priorities 1 and 2. Other workplan activities that were financed to the extent possible through earmarked contributions by Parties or through project funding are referred to as priority 3 activities.

Annex I

Workplan for the implementation of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Compliance with and implementation of the Convention and the Protocol Enhance the implementation of and compliance with the Convention and the Protocol					Most items included in Implementation Committee and secretariat costs. Exceptions are identified below.
	1. Consideration by the Implementation Committee of compliance submissions.	Undertaken by the Implementation Committee, with the support of the secretariat.	Recommendations on compliance submissions.	2014–2017, presented to MOP7 and MOP/MOP3.	May require funding for translation of submissions ($10,000 is budgeted).[a]
	2. Report on the Committee's activities to MOP7 and MOP/MOP3.	Undertaken by the Implementation Committee, with the support of the secretariat.	Reports of the Committee meetings and a synthesis report to MOP7 and MOP/MOP3.	2014–2017, presented to MOP7 and MOP/MOP3.	—
	3. If necessary, review of the Committee's structure and functions and operating rules.	Undertaken by the Implementation Committee, with the support of the secretariat.	Possible revision of the Committee's structure and functions and operating rules.	2014–2017, presented to MOP7 and MOP/MOP3.	—

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	4. Examination of the outcome of the fourth review of implementation of the Convention and the first review of implementation of the Protocol.	Undertaken by the Implementation Committee, with the support of the secretariat.	Summary of compliance issues from the fourth review of implementation of the Convention and the first review of implementation of the Protocol.	By the end of 2014.	—
	5. Simplification of the questionnaires for the report on implementation of the Convention and, as appropriate, the Protocol, in 2013–2015.	Undertaken by the Implementation Committee, with the support of the secretariat and, where appropriate, of WHO.	Modified questionnaires	Presentation of draft modified questionnaires to the Working Group in 2015.	—
	6. Distribution of the questionnaire to the Parties to the Convention and to the Protocol for them to complete and return.	Carried out by the secretariat	Completed questionnaires.	Issue of questionnaires, one by end of October 2015 and the other by end of December 2015. Return of questionnaires, one by end of February 2016 and the other by end of April 2016.	—

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	7. Preparation of draft reviews of implementation of the Convention and the Protocol.	Carried out by the secretariat	Draft fifth review of implementation of the Convention and draft second review of implementation of the Protocol for consideration by the Implementation Committee, the Working Group on EIA and SEA, MOP7 and MOP/MOP3.	Presentation of the draft reviews to the Committee and the Working Group in autumn 2016 and to MOP7 and MOP/MOP3.	Requires external consultants and translation of national reports ($25,000 is budgeted).[a]
	8. Reviews of legislation, procedures and practice, and technical assistance in drafting legislation, to strengthen Parties' implementation of and compliance with the Convention and the Protocol. Prompted by the Implementation Committee or requested by Parties themselves, as follows:	Undertaken by external consultant(s), with the support of the secretariat and, where appropriate, WHO. Supervised by members of the Committee (if further to a Committee initiative).	Recommendations on strengthening capacity, including amendments to legislation, procedures and institutional arrangements.	As decided by the Implementation Committee and/or the Party.	Costs: approximately $25,000 per review, plus in-kind contributions from Parties providing experts and from target country for interpretation.
	(a) Country-specific reviews, including a period in-country examining national legislation and based on earlier reviews further to decision IV/2. Parties experiencing similar problems might be assisted jointly:				
	(i) Technical advice to Armenia on improving legislation to implement the Protocol and advice in drafting necessary amendments;			2014.	Funding from EaP-GREEN.[b]

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	(ii) Technical advice and support to Kyrgyzstan on improving legislation as well as the institutional framework to implement the Convention;	Undertaken by external consultant and the national expert group on EIA.	Draft law on EIA.	2014.	Funding (approximately $25,000) from Switzerland.
	(iii) Technical advice to Azerbaijan on improving legislation to implement the Convention;	Undertaken by external consultant.	Draft implementing regulations.	2015.	Funding from EaP-GREEN.[b]
	(iv) Technical advice further to possible Committee initiatives (as decided by the Implementation Committee);				Funding for up to two reviews is budgeted.[a]
	(b) Subregional overview based on legislative reviews on EIA and SEA combined with information gathered when developing general guidance on enhancing consistency between the Convention and environmental assessment within the framework of State ecological expertise.	Lead countries: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine. Undertaken by external consultant(s), with the support of the secretariat.	Subregional overview of SEA and EIA systems prepared and disseminated.	2015.	Funding from EaP-GREEN.
	9. Pre-accession legislative assistance:	Undertaken by external consultant(s), with the support of the secretariat.	Recommendations to the country on strengthening capacity, including amendments to legislation, procedures and institutional arrangements.		

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	(a) Technical advice to Azerbaijan on improving legislation to implement the Protocol and advice in drafting necessary amendments;			2014.	Funding from EaP-GREEN.
	(b) Technical advice to Georgia on improving legislation to implement the Protocol and advice in drafting necessary amendments;			2014–2015.	Funding from EaP-GREEN.
	(c) Technical advice to Kazakhstan on improving legislation to implement the Protocol and advice in drafting necessary amendments;			2015–2017.	EU funding for Kazakhstan.
	(d) Technical assistance to Georgia in drafting legislation to implement the Convention (building on the existing legislative review);			2014–2015.	Funding from EaP-GREEN.
	(e) Technical advice to the Russian Federation;	To be specified by the Russian Federation.		2015.	Funding (approximately $28,000) from Sweden (carried forward).
	10. Collection of findings and opinions from the Committee regarding the Convention and the Protocol, posted on website.	Carried out by the secretariat.	Online collection of the Committee's findings and opinions.	Annual updates	—

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	11. Alignment of the authentic language versions of the Protocol and the two amendments to the Convention: (a) Identification and review of inconsistencies; (b) Preparation of proposals for addressing the inconsistencies (through correction or amendment procedures).	Secretariat to organize a review by the United Nations editors, the ad hoc task force and the Working Group to review inconsistencies identified and to prepare proposals.	Proposals for aligning the text of the Protocol.	2015.	—
	12. Preparation of guidance on the implementation of the Convention (drawing on opinions of the Implementation Committee).	Undertaken by external consultant(s), with the support of the secretariat and, as needed, the Implementation Committee and the Working Group on EIA and SEA.	Guidance document.	2015–2016.	Requires funds for a consultant ($10,000).
	13. Further development and update of the Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries.	Regional workshops to discuss and update the Guidelines.	Guidelines on EIA for Central Asian Countries.	2015–2016.	Possible funding from Switzerland in 2015 or 2016 (requires external and national consultants and organization of up to two workshops, approximately $35,000).

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Subregional cooperation and capacity-building to strengthen contacts between the Parties and others, including States outside the ECE region Improved and developed application of the Convention and its Protocol within the subregions. Promotion of cooperation in all subregions.			For all subregions: (a) Possible evaluation of relevant guidance; (b) Possible guidance on subregional issues such as public participation and the role of NGOs; (c) Common understanding of elements of application and possible multilateral agreements.		Participants cover their own travel and accommodation costs to the extent possible, while host countries cover organizational and venue costs in kind (approximately $5,000–$20,000 per workshop).
Increased professional skills of officials and increased awareness of the public, including NGOs, as well as of officials at all relevant administrative levels in relation to SEA and transboundary EIA and to the application of the Convention and its Protocol.	**South-Eastern Europe subregion** 1. Workshop(s) on implementation of the Convention, Protocol and Bucharest Agreement in the subregion: workshop to prepare for the first Meeting of the Parties to the Bucharest Agreement;	Lead country: Romania	Workshop reports and possible reports on specific issues	2015.	Donor in-kind.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Increased coordination between environmental treaties in Eastern Europe, the Caucasus and Central Asia.	**Mediterranean subregion, including Adriatic Sea** 2. Carried forward workshop for Mediterranean	Lead country: Morocco, with support from other interested countries.	Workshop report.	2014–2015.	Funding largely available ($20,000).
	Baltic Sea subregion 3. Holding of three meetings on: (a) SEA for programmes of measures under the EU Marine Strategy Framework Directive (art. 13) and the experience of large-scale transboundary projects; (b) (topics to be identified by the lead country); (c) (topics to be identified by the lead country).	Lead countries: Germany, Latvia and Lithuania.	Workshop reports and possible reports on specific issues.	(a) 2014 in Germany. (b) 2015 in Lithuania. (c) 2016 in Latvia.	In kind.
	Eastern Europe, the Caucasus and Central Asia 4. Pilot bilateral projects between countries of subregions and inter-subregional projects (e.g., energy, transboundary watercourses, mining, infrastructure projects, other), including seminars prior to and during the pilot projects with the sectoral ministries, project	Pilot transboundary EIA, including training. Lead country: Kazakhstan with interested neighbouring country (tbc). Topic to be specified.	–		Require donor and/or in-kind contributions by beneficiary countries EU funding for Kazakhstan.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	developers, NGOs, communities and other stakeholders.				
	5. Subregional coordination and experience-sharing events to share successes, challenges, solutions and experiences as well as the results of capacity-building activities on SEA and EIA, followed by the dissemination of seminar results in all countries of Eastern Europe, the Caucasus and Central Asia, including to the public and NGOs. The events can focus one or several challenges in SEA or EIA implementation (e.g., public participation; monitoring; interministerial cooperation/consultations) or on a sector (energy, mining, etc.) Countries to propose themes/ topics for the events:	Lead countries: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Republic of Moldova, Ukraine, (countries to propose hosting the event)	Dissemination of seminar results: All countries of Eastern Europe, the Caucasus and Central Asia.		
	(a) Practical experience in application of SEA to various plans and programmes in the EU countries, comparison of legal, institutional and procedural frameworks;	Czech Republic.		Autumn 2014.	Funding from EaP-GREEN.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	(b) Lessons learned from national and subregional reviews of legal and institutional frameworks for application of EIA and SEA;	Georgia.		2015.	Funding from EaP-GREEN.
	(c) Lessons learned from the SEA pilot projects in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.	Ukraine.		2016.	Funding from EaP-GREEN.
	6. Joint capacity-building activities with the Aarhus Convention for Armenia, Azerbaijan and Georgia on public participation in decision-making, including to strengthen the capacities of national Aarhus Centres and the regional Aarhus Centres Network in the EIA and SEA processes. Use the Good Practice Recommendations on Public Participation on SEA and the general guidance on enhancing systemic consistency.	Lead countries: Armenia, Azerbaijan, Georgia, involving Aarhus Centres in these countries, with support from OSCE and inputs from Aarhus Convention and Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) secretariats.	Capacity-building and training materials.	2015–2016 (tbc).	Funding from the Environment and Security Initiative.
	(a) Development and compilation of capacity-building materials;				
	(b) Regional and national training workshops.				

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Exchange of good practices Shared knowledge and experience in appropriate legislation for implementation of the Convention and the Protocol, leading to better national legislation and application.	1. Workshops or half-day seminars within meetings of the Working Group on:		From each workshop or seminar, a brief, clear document presenting advice on the most important problems identified for the theme in question.		Costs (e.g., costs for speakers, provision and translation of materials) to be covered in kind by lead countries, to the extent possible (approximately $10,000 per seminar).
Improved implementation and application of the Convention and the Protocol by learning from Parties' experiences.	(a) Post-project analysis;	Lead countries: Belarus, in cooperation with Ukraine.		2015 (tbc).	In kind and some funding from EaP-GREEN to cover costs for speakers.
Awareness-raising on the Convention, its amendments and its ratification.	(b) A topic related to SEA (e.g., based on IAIA "FasTips");	Lead organization: IAIA.		2016 (tbc.).	In kind and some funding from EaP-GREEN to cover costs for speakers.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Promoting ratification and application of the Protocol on SEA		Lead: secretariat in cooperation with the concerned countries.	Ratifications and other outcomes specified below.	2014–2017.	
Ratification, full legal implementation and practical application of the Protocol. Increased professional skills of officials, and increased awareness of the public, including NGOs, as well as of officials at all relevant administrative levels in relation to SEA and to the application of the Protocol. Increased exchange of information and experience in the application of the Protocol.	1. Preparation of factsheets on application of SEA, e.g., on industrial reconversion and investment plans or sustainable agricultural practices.	Lead: All Parties, including Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine, as well as the secretariat in cooperation with UNEP.	Factsheets.	2014–2016.	Funding from EaP-GREEN (for translation and publication).
	2. Preparation of two-page informal pamphlets on key issues in SEA practice (e.g., on …).	Lead organization: IAIA, with the support of WHO, SEA and health experts and the secretariat.	Informal pamphlets on key issues	Ongoing.	In kind.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	3. Workshops, including training, on the application of the Protocol for countries in the ECE region and other Parties to the Protocol, in particular countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia:	Lead countries: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine.	Workshop and training reports.	Countries to specify the timing.	
	(a) One national training event, two local training events;	Armenia.		2015–2016.	Funding from EaP-GREEN.
	(b) Two national training events, two local training events;	Azerbaijan.		2014–2016.	Funding from EaP-GREEN.
	(c) Two national training events;	Belarus.		2014–2016.	Funding from EaP-GREEN.
	(d) One national training event;	Georgia.		2014–2015.	Funding from EaP-GREEN.
	(e) Two national training events, two local training events;	Republic of Moldova.		2014–2016.	Funding from EaP-GREEN.
	(f) One national training event, one local training event;	Kazakhstan.		2015–2017.	EU funding for Kazakhstan.[c]
	(g) One national training event, two local training events.	Ukraine		2015–2016.	Funding from EaP-GREEN.
	4. National guidance documents on SEA.	Lead countries: Armenia, Azerbaijan, Georgia, Kazakhstan, Republic of Moldova and Ukraine.	One published guidance document per country.	2015–2016.	Funding from EaP-GREEN; and from EU for Kazakhstan.[c]

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	5. Pilot SEAs in selected countries, in selected sectors.	Lead countries: Armenia, Azerbaijan, Georgia, Republic of Moldova, Tajikistan and Ukraine, in collaboration with UNEP and WHO, where relevant.	Project reports.		(a)–(f) funding from EaP-GREEN (g) EU funding for Kazakhstan.[c]
		(a) Armenia;		(a) 2014–2015;	
		(b) Azerbaijan;		(b) 2014–2015;	
		(c) Belarus;		(c) 2015–2016;	
		(d) Georgia;		(d) 2014–2015;	
		(e) Republic of Moldova;		(e) 2014–2015;	
		(f) Ukraine;		(f) 2015–2016;	
		(g) Kazakhstan.		(g) 2016–2017.	

Abbreviations: ECE = United Nations Economic Commission for Europe; EIA = environmental impact assessment; IAIA = International Association for Impact Assessment; MOP7 = the Meeting of the Parties to the Convention at its seventh session; MOP/MOP3 = the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its third session; NGOs = non-governmental organizations; OSCE = Organization for Security and Cooperation in Europe; SEA = strategic environmental assessment; UNEP = United Nations Environment Programme; WHO = World Health Organization.

[a] The financing of the activities foreseen in the budget of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to Convention serving as the Meeting of the Parties to the Protocol, as set out in annex I to decision VI/4–II/4, will be contingent on sufficient funds being made available by Parties through their voluntary contributions to the Convention trust fund.

[b] "Greening Economies in the European Union's Eastern Partnership" (EaP-GREEN), a European Union-funded regional multi-stakeholder project.

[c] "Supporting Kazakhstan's transition to a Green Economy Model" a European Union-funded multi-stakeholder project foreseen for 2015–2018 (tbc).

Annex II

List of activities awaiting funding for the implementation of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Compliance with and implementation of the Convention and the Protocol Enhance the implementation of and compliance with the Convention and the Protocol	**Pre-accession legislative assistance.**	Undertaken by external consultant(s), with the support of the secretariat.	Recommendations to the country on strengthening capacity, including amendments to legislation, procedures and institutional arrangements.		
	Technical advice to Uzbekistan to review its national legislation for implementation of the Protocol and to propose amendments.				
	Preparation of guidance on the implementation of the Convention (drawing on opinions of the Implementation Committee).	Undertaken by external consultant(s), with the support of the secretariat and, as needed, the Implementation Committee and the Working Group on EIA and SEA.	Guidance document.	2015–2016.	Requires funds for a consultant ($10,000).

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Subregional cooperation and capacity-building to strengthen contacts between the Parties and others, including States outside the ECE region Improved and developed application of the Convention and its Protocol within the subregions. Promotion of cooperation in all subregions. Increased professional skills of officials and increased awareness of the public, including NGOs, as well as of officials at all relevant administrative levels in relation to SEA and transboundary EIA and to the application of the Convention and its Protocol. Increased coordination between environmental treaties in Eastern Europe, the Caucasus and Central Asia.			For all subregions: (a) Possible evaluation of relevant guidance; (b) Possible guidance on subregional issues such as public participation and the role of NGOs; (c) Common understanding of elements of application and possible multilateral agreements.		Participants cover their own travel and accommodation costs to the extent possible, while host countries cover organizational and venue costs in kind (approximately $5,000–$20 000 per workshop).
	South-Eastern Europe subregion 1. Workshop(s) on implementation of the Convention, the Protocol and the Bucharest Agreement in the subregion.	Lead countries: Croatia, and Slovenia.	Workshop reports and possible reports on specific issues.		Donor/in-kind (e.g., project) funding required.
	(a) Workshop;	(a) Croatia with Slovenia.		(a) 2015.	(a) No funding confirmed yet.
	(b) First Meeting of the Parties to the Bucharest Agreement.	(b) Romania.		(b) Late 2015.	(b) No funding confirmed yet.
	Mediterranean subregion, including Adriatic Sea 2. *Carried forward* workshop on practical application of the Convention on the basis of the results in the previous workshops.	Lead country: Italy, to be confirmed.	Workshop reports and possible reports on specific issues.	2014–15	In kind.

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
Exchange of good practices Shared knowledge and experience in appropriate legislation for implementation of the Convention and the Protocol, leading to better national legislation and application. Improved implementation and application of the Convention and the Protocol by learning from Parties' experiences. Awareness-raising on the Convention, its amendments and its ratification.	1. Workshops or half-day seminars within meetings of the Working Group on:		From each workshop or seminar, a brief, clear document presenting advice on the most important identified problems for the theme in question.		Costs (e.g., costs for speakers, provision and translation of materials) to be covered in kind by lead countries, to the extent possible (approximately $10,000 per seminar). (Participation of countries in transition, NGOs, Non-ECE countries.)
	Global application of the Convention and the Protocol: focus on non-ECE countries and IFIs.	Lead organization: EIB, tbc.		2016.	In kind. 5,000 required (Travel costs for non-ECE countries should be covered from the budget)

Activity objectives	*Method of work (sub-activities)*	*Organizational arrangements*	*Expected outcome*	*Time schedule*	*Budget*
	2. Development of good practice recommendations on the application of the Convention to nuclear energy-related activities.	Undertaken by external consultant(s), in line with agreed terms of reference, under the supervision of an editorial group including Austria, Belarus, Finland, France, Germany, the Netherlands, Poland, Ukraine, the European Commission and European ECO Forum, and with support from the secretariat.	Good practice recommendations for adoption by MOP7 and MOP/MOP3.	2015–2016.	In kind. Requires consultant(s) for drafting ($10,000–$20,000).
Promoting ratification and application of the Protocol on SEA Ratification, full legal implementation and practical application of the Protocol. Increased professional skills of officials and increased awareness of the public, including NGOs, as well as of officials at all relevant administrative levels in relation to SEA and to the application of the Protocol. Increased exchange of information and experience in the application of the Protocol.	Pilot SEAs in selected countries, in selected sectors.	Requested by Tajikistan.		2015–16	Requires funding ($80,000–$100,000).

Draft decision VI/4–II/4

[*to be considered by the Meeting of the Parties to the Convention at its sixth session and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its second session*]

Budget, financial arrangements and financial assistance

The Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, meeting in joint session,

Recalling decision V/10–I/10 of the Meeting of the Parties to the Convention, and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment, on the budget, financial arrangements and financial assistance for the period up to the sixth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Recognizing the wish of the Parties for a high degree of transparency and accountability,

Welcoming the biannual financial reports prepared by the secretariat since the fifth session of the Meeting of Parties to the Convention, with biannual reporting best addressing the schedule of the meetings of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, as well as national budgeting cycles,

Recognizing with appreciation the contributions made in cash and in kind to the budget in the period between the fifth and sixth sessions of the Meetings of the Parties to the Convention, and between the first and second sessions of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol,

Seeking to facilitate the willingness of donor countries to make further contributions, as well as assisting financial and project management,

Believing that the Parties should be informed in a timely manner of the status of and developments in the financing of activities under the Convention and the Protocol,

Also believing that the financing of activities under the Convention and the Protocol should be distributed among as many Parties and non-Parties as possible,

Aware of the importance of wide participation by the Parties in activities under the Convention and the Protocol in order to ensure progress,

Aware also of the need to facilitate the participation of certain countries with economies in transition that may otherwise not be able to take part,

Recalling the amendment to the Convention (decision II/14 of the Meeting of the Parties to the Convention), which allows United Nations Member States not members of the United Nations Economic Commission for Europe (ECE) to accede to the Convention, and recalling article 23, paragraph 3, of the Protocol on Strategic Environmental Assessment, which allows United Nations Member States not members of ECE to accede to the Protocol,

1. *Establish* a scheme of financial contributions whereby Parties and Signatories to the Convention and to the Protocol would contribute each year an amount that they may choose to pledge on a voluntary basis [that may be calculated based on the agreed budget for the Convention and the adjusted scale of assessments for the apportionment of the expenses of the United Nations], and also invite international financial institutions, as well as other stakeholders, to contribute;

[2. *Confirm* for State Parties the system of shares endorsed by decision III/10 of the Meeting of the Parties to the Convention, whereby countries make contributions equivalent in value to a number of shares of the budget;[2]]

[3.] *Recognize* the commitment by the European Union to contribute 2.5 per cent of the total amount not covered by the United Nations regular budget for priority 1 activities of the workplan of the Convention and its Protocol and its intention to maintain its annual pledge of €50,000 towards the combined costs until that amount becomes less than 2.5 per cent of the total, while noting that this is subject to annual endorsement by the budgetary authorities of the European Union and is without prejudice to paragraph 1;

[4.] *Adopt* the financial strategy for carrying out the work under the Convention and the Protocol, given the financial constraints, as contained in annex II to this decision;

[5.] *Urge* all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties and Signatories;

[6.] *Strongly urge* Parties that have so far only committed limited funds or in-kind contributions to raise their contributions during the current and future budget cycle;

[[7.] *Agree* that each Party and Signatory should be invited to contribute each year, [as a minimum,] an amount derived from the adjusted scale of assessments for the apportionment of the expenses of the United Nations;[3]]

[8.] *Adopt* the report prepared by the secretariat on the budget and financial arrangements in the period since the fifth session of the Meeting of the Parties to the Convention and the first session of the Meeting of the Parties to the Convention serving as the Meeting of Parties to the Protocol (ECE/MP.EIA/2014/1–ECE/MP.EIA/SEA/2014/1);

[9.] *Decide* that activities under the workplan for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, which are included in the budget of the Convention and the Protocol for that same period, as set out in annex I to this decision, and which are not covered by the United Nations regular budget, should be covered by contributions of 1,100 shares of US$ 1,000 each, of which 565 shares would cover the core (priority 1) requirements and 535 shares would cover the remaining non-core (priority 2) requirements;

[10.] *Agree* the budget of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, as set out in annex I;

[11.] *Also agree* that contributions shall be allocated to the budgets of the individual items in the budget table contained in annex I, in the order of priority set for each

[2] Language to be modified based on the agreement of the "financial scheme".
[3] See alternative B in paragraph 6 of the draft financial strategy annexed to this decision (annex II).

item unless and to the extent that a contributor specifies that a contribution should be allocated to a particular item in the budget; where funds remain after the completion of such items, the surplus shall be transferred to the overall budget to be spent on the budget items in the order of priority set for each item;

[12.] *Request* that Parties seek to transfer their contributions to the ECE Trust Fund on Local Technical Cooperation under the Convention and the Protocol as early as possible in their budget year and, insofar as possible, contributions for a given calendar year should be made by the end of the preceding year so as to provide greater certainty for future financial and project management;

[13.] *Request* the secretariat to continue to prepare and submit to the Bureau biannual reports with a view to assisting in the preparation of the report to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, as requested in paragraph [17] below, and further request the Bureau to consider the biannual reports prepared by the secretariat and to agree their circulation to the Parties;

[14.] *Also request* the secretariat to include in the biannual reports information on the resources available (including in-kind contributions and United Nations programme support) and the expenditure on each item specified in the budget, as well as highlighting significant developments;

[15.] *Further request* the secretariat to provide Parties with timely reminders concerning outstanding pledges;

[16.] *Decide* that the Executive Secretary of ECE has authority, after consultations with the Bureau, to make adjustments to the budget, up to a maximum of [10] [20] per cent, where such adjustments are necessary before the next meeting of Parties, and [that Parties are promptly informed of such adjustments] [and given the opportunity to comment both in writing at the time and at the next meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, at which time Parties should be invited to indicate confirmation of the adjustments];

[17.] *Request* the secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the funds and to prepare a report for the next meeting of the Parties, based on the information contained in the biannual reports and giving a clear indication of the significant developments during the period in order that Parties can best meet future demands for resources under the Convention and its Protocol;

[18.] *Also request* the secretariat to seek additional staff funded by the regular budget of the United Nations to provide long-term and stable secretariat functions;

[19.] *Decide* that the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment shall prepare a further draft decision on financial arrangements for adoption at the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, based on experience gained in the meantime under the financial arrangements adopted by this meeting;

[20.] *Call upon* countries with economies in transition to finance to the extent possible their own participation in the activities under the Convention and its Protocol in order to ensure that the limited funds available are used efficiently;

[21.] *Urge* Parties and encourage non-Parties and relevant international organizations to contribute financial resources to enable countries with economies in

transition and non-governmental organizations to participate in the meetings under the Convention and its Protocol;

[22.] *Decide* that securing proper staffing of the secretariat has priority above financial support to participants in formal meetings and that, among participants, priority should be given to representatives of Parties, then of non-Parties and then of non-governmental organizations;

[23.] *Recommend* that the Convention and its Protocol should apply the guiding criteria established and periodically updated by the Committee on Environmental Policy for financial assistance to support the participation of experts and representatives from countries with economies in transition in meetings and workshops organized within the framework of the Convention and its Protocol and other relevant activities, depending upon the availability of funds;

[24.] *Request* the secretariat to grant, subject to the availability of funds, financial assistance to designated experts from non-governmental organizations identified by the Bureau for their participation in meetings under the Convention and under the Protocol, unless otherwise decided by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment;

[25.] *Decide* that the Bureau shall, depending on the availability of funding and subject to priority being given to funding the workplan, examine requests for possible financial assistance for the participation by representatives and experts from States outside the ECE region in meetings under the Convention and its Protocol.

[26.] *Also decide* that during the intersessional period the Working Group should meet in spring 2015, spring 2016 and late 2016 and that the Implementation Committee should hold in total eight sessions, meeting two to three times a year: in spring, in autumn and in winter; and request the secretariat to prepare the provisional agendas and other formal documentation for and reports on these meetings and to issue these documents in the three official languages of ECE.

Annex I

Budget for the implementation of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, for activities to be funded from the Convention trust fund or by in-kind contributions

Activity	*Priority*	*Notes/sub-activities*	*Unit*	*Cost per item per unit (shares)*	*Cost per unit (shares)*	*Number of units over three years*	*Total cost over three years (shares)*
Organizational activities (with most meetings taking place in Geneva)							
Seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol	2	Participation of countries with economies in transition (CITs)	Meeting	30	80	1	80
	2	Participation of non-governmental organizations		20			
	2	Invited speakers		15			
	2	Participation of non-ECE countries		15			
Meetings of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment	2	Participation of CITs	Meeting	20	35	3	105
	2	Participation of non-governmental organizations		10			
	2	Participation of non-ECE countries		5			
Bureau meetings (free standing)	2	Participation of CITs (Bureau members)	Meeting	—	5	4	20
Meetings of the Implementation Committee	2	Participation of CITs (Committee members)	Meeting	—	5	8	40
Informal translations of informal papers for meetings listed above	2		Meeting	—	5	6	30
Promotion of contacts with countries outside the ECE region (with reporting of results to Working Group)	2	Travel of secretariat and Chair	Mission	—	5	5	25
External expert to provide secretariat support for the implementation of the Convention and the Protocol[a]	1	External expert (United Nations Standard Salary Cost, including net salary, taxes and common staff costs)	Year	—	180	3	540
Further secretariat support for the implementation of the Convention and the Protocol	2	Consultants	Year	15	40	3	120
	2	Promotional materials		5			
	2	Secretariat travel in relation to the workplan		20			
Subtotal (organizational)							**960**

Activity	*Priority*	*Notes/sub-activities*	*Unit*	*Cost per item per unit (shares)*	*Cost per unit (shares)*	*Number of units over three years*	*Total cost over three years (shares)*
Substantive activities (see corresponding workplan for details)							
Compliance with and implementation of the Convention and the Protocol	2	Informal translations of submissions		—	—	—	10
	1	Drafting of reviews of implementation					25
	2	Drafting guidance related to nuclear energy	Consultant	—	—	—	15
	2	Country-specific performance reviews	Review	—	25	2	50
Exchange of good practices	2	Workshops or half-day seminars	Seminar	—	10	4	40
Subtotal (substantive activities)							**165**
Grand total (in shares, 1 share = $1 000)							**1 100**

[a] Full time staff member at the P-3 level to support the secretariat to fulfil its functions as required by the Convention and the Protocol, including notably regarding the review of implementation and compliance under the Convention and the Protocol, capacity-building and maintenance of the website. The external expert is required to supplement the secretariat staff funded through the United Nations regular budget, which currently comprises one staff member at the P-4 level and, as of April 2014, 40 per cent of a (support) staff member at the G-5 level.

Annex II
Financial strategy

I. Introduction

1. The financial strategy set out in the present document has been prepared further to decision V/10–I/10 on budget, financial arrangements and financial assistance of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the Meeting of the Parties to the Convention serving as Meeting of the Parties to the Protocol on Strategic Environmental Assessment (Protocol on SEA), requesting "the Bureau, possibly with the support of a small group, to develop a strategy for carrying out the work under the Convention and the Protocol given the financial constraints" (ECE/MP.EIA/15, para. 16).

2. The draft strategy was agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, on the basis of a proposal prepared by the Bureau and with support from the secretariat.

3. The strategy draws also on the experience of the other United Nations Economic Commission for Europe (ECE) environmental conventions in developing sustainable extrabudgetary financial arrangements.

II. Objectives

4. The objectives of the financial strategy are:

(a) To establish the basis for preparing realistic intersessional workplans with defined resource requirements under the Convention and the Protocol;

(b) To ensure sufficient resources for covering the costs of activities that are not covered by the United Nations regular budget;[a]

(c) To improve the stability and predictability of the sources of funding;

(d) To maintain a funding scheme based on voluntary contributions that is transparent and open to all Parties and Signatories, and in addition invite international financial institutions and other stakeholders to contribute;

(e) To encourage all Parties and other stakeholders to support the implementation of the workplans.

[a] Regular budget (RB) resources of the ECE secretariat are made available to cover its core mandate, that is, to ensure the servicing of meetings of the governing bodies and key subsidiary groups. The level of the RB resources is determined by United Nations Member States through relevant decisions in the Fifth Committee (with responsibilities for administration and budgetary matters) and later in the General Assembly. The RB staff resources have remained constant in spite of the increase in the functions of the secretariat, e.g., with the entry into force of the Protocol on SEA, and the greater use of the compliance mechanism (Implementation Committee). Moreover, the RB resources are insufficient for activities that go beyond the core mandate (e.g., capacity-building), which, therefore, must be financed through extrabudgetary funds.

III. Elements of the financial strategy

A. Planning

5. The following elements should be taken into account when planning future activities and drafting budgets:

(a) The Meetings of the Parties, when deciding on the next intersessional workplan, should at the same time agree on the budget and ensure that sources of appropriate additional extrabudgetary resources are identified;

(b) The primary responsibility for securing the necessary resources to implement the workplan should lie with the Parties;

(c) Activities relevant for the implementation of the Convention for which no funding or no lead countries can be identified should not be included in the workplan upon its adoption but should be included on a separate waiting list until appropriate funding and lead countries are made available. The funding of the "wait-listed" activities should, however, be subject to reassessment by the Bureau based on possibly changed priorities, unless the donor contribution was earmarked for a specific activity on the waiting list;

(d) The draft workplans should indicate funding requirements/estimated costs (in United States dollars) for all the proposed activities;

(e) Extrabudgetary funds must be appropriate to cover not only the activities but also the staff — both professional staff and programme assistants — needed to implement them;

(f) The allocation of resources for the budget and intersessional workplan items should be based on agreed priorities.

B. Contributions to the trust fund

6. To ensure sustainable funding of the activities and an equitable and proportionate distribution of the financial burden among the Parties and the Signatories

Alternative A:

[the system of voluntary financial contributions, based upon a system of shares, established by decision III/10 of the Meeting of the Parties to the Convention, is maintained, whereby Parties to the Convention and the Protocol as well as Signatory States, other countries, international and regional organizations, international financial institutions and non-governmental organizations (NGOs) may choose to make contributions equivalent in value to a number of shares of the budget.]

Alternative B:

[the system of voluntary financial contributions, based upon a system of shares, established by decision III/10 of the Meeting of the Parties to the Convention, is adapted: each Party and Signatory should be invited to contribute each year, as a minimum, a minimum amount calculated based on the agreed budget for the Convention and the adjusted scale of assessments for the apportionment of the expenses of the United Nations, which reflects the economic strength of the country.[b]]

[b] The United Nations scale of assessments for the apportionment of the expenses is the basis for national contributions to the regular budget of the United Nations. The annex to this document

7. To improve the sustainable availability and predictability of the extrabudgetary funding for the activities under the Convention and the Protocol:

(a) Insofar as possible, and subject to the internal budgetary procedures of the Parties, contributions for a given calendar year should be made by the end of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the activities;

(b) Financial contributions should preferably be made towards the overall implementation of the workplan, but could also be earmarked for a particular activity;

(c) To the extent possible, the financial contributions to the trust fund under the Convention should be "unconditional", that is, they should be provided without signed agreements or other exchange of written communication and requiring no specific financial or substantive reporting by the secretariat on their use other than that provided in the biannual financial reports produced by the secretariat;

(d) The secretariat should write to Parties to encourage further pledges and timely financial contributions. The letters[, which may contain reference to the United Nations scale of assessments,] should be sent out not later than 90 days before the session of the Meeting of the Parties and at the end of each subsequent calendar year of the intersessional period. The letters should also make reference to the available information on ongoing activities under the Convention and its Protocol and the status of the paid contributions;

(e) Signatories, other ECE and non-ECE countries, international and regional organizations, international financial institutions and non-governmental organizations (NGOs) should also be invited to provide extrabudgetary resources.

C. In-kind contributions

8. In addition to extrabudgetary financial contributions to the trust fund under the Convention, Parties as well as Signatories, other ECE and non-ECE countries, international and regional organizations, international financial institutions and NGOs should be encouraged to make in-kind contributions. These could include:

(a) Covering the cost of services linked to workplan activities (provision of expertise, organization of a meeting, publication of results, etc.);

(b) Funding directly the participation of representatives of countries with economies in transition and the secretariat, rather than through contributions to the trust fund;

(c) Providing financial support for representatives of States outside the ECE region that they wished to participate in activities or meetings;

(d) Provision of leadership and expertise within the subsidiary bodies under the Convention and the Protocol.

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provides a calculation of indicative contributions by the Parties to the Espoo Convention for the proposed Convention budget for 2014–2017, based on the United Nations scale of assessments (as adopted by the General Assembly on 24 December 2012, in resolution 67/238, for the period 2013–2015). This United Nations scale has been adjusted (a) by considering only those States that are Parties to the Espoo Convention (the Parties account for 44.606 per cent of the total scale); and (b) by including a standard contribution from the European Union of 3.330 per cent.

9. Parties should also be encouraged to provide human resources for the implementation of the activities by the Convention secretariat, for example through:

(a) Providing a junior or associate expert;[c]

(b) Staff secondment.

D. Expenditure from the trust fund

10. The contributions should continue to be allocated to the budgets of the individual items of expenditure in the order of priority set for each item, as decided on by the Meeting of the Parties. In addition to this:

(a) Subject to the availability of financial resources, support to representatives of States outside the ECE region can be provided only if such representatives would draw clear benefits from their participation, such as attendance at a workshop and contribution to relevant discussions;

(b) Financial support for States neighbouring the ECE region should be prioritized over other States outside the ECE region;

(c) Savings could be made by reducing the number of printed items and moving to electronic publications, as well as by reducing the length of printed documents.

E. Expenditure from the regular budget

11. Savings from the regular budget should be made, including through:

(a) Continued reduction in the number of documents, their length and their translation;

(b) Continued reduction in printing, with a move to electronic publications;

(c) More even distribution of the meetings throughout the year.

Annex III

A calculation of indicative contributions by the Parties to the Espoo Convention for the proposed Convention budget for 2015-2017, based on the United Nations scale of assessments[d]

Column A: Countries (Parties)	*Column B: United Nations scale of assessments (percentage)*	*Column C: Adjusted United Nations scale of assessments (percentage)*	*Column D: Contribution calculated based on the scale of assessments for 2015 (US$)*	*Column E: Contribution calculated based on the scale of assessments for 2015-2017 (US$)*
Albania	0.010	0.024	88	264
Armenia	0.007	0.017	62	185
Austria	0.798	1.914	7 016	21 049

[c] Parties that have a junior professional officer programme may wish to consider providing an associate expert. These are typically young professionals with a university degree in an appropriate discipline and a few years of professional experience that are made available to a receiving international organization for a period of two to three years.

[d] As adopted by the General Assembly on 24 December 2012, in resolution 67/238, for the period 2013–2015

Column A: Countries (Parties)	*Column B: United Nations scale of assessments (percentage)*	*Column C: Adjusted United Nations scale of assessments (percentage)*	*Column D: Contribution calculated based on the scale of assessments for 2015 (US$)*	*Column E: Contribution calculated based on the scale of assessments for 2015-2017 (US$)*
Azerbaijan	0.040	0.096	352	1 055
Belarus	0.056	0.134	492	1 477
Belgium	0.998	2.393	8 775	26 324
Bosnia and Herzegovina	0.017	0.041	149	448
Bulgaria	0.047	0.113	413	1 240
Canada	2.984	7.155	26 237	78 710
Croatia	0.126	0.302	1 108	3 324
Cyprus	0.047	0.113	413	1 240
Czech Republic	0.386	0.926	3 394	10 182
Denmark	0.675	1.619	5 935	17 805
Estonia	0.040	0.096	352	1 055
Finland	0.519	1.245	4 563	13 690
France	5.593	13.412	49 176	147 528
Germany	7.141	17.124	62 787	188 360
Greece	0.638	1.530	5 610	16 829
Hungary	0.266	0.638	2 339	7 016
Ireland	0.418	1.002	3 675	11 026
Italy	4.448	10.666	39 109	117 326
Kazakhstan	0.121	0.290	1 064	3 192
Kyrgyzstan	0.002	0.005	18	53
Latvia	0.047	0.113	413	1 240
Liechtenstein	0.009	0.022	79	237
Lithuania	0.073	0.175	642	1 926
Luxembourg	0.081	0.194	712	2 137
Malta	0.016	0.038	141	422
Montenegro	0.005	0.012	44	132
Netherlands	1.654	3.966	14 543	43 628
Norway	0.851	2.041	7 482	22 447
Poland	0.921	2.208	8 098	24 293
Portugal	0.474	1.137	4 168	12 503
Republic of Moldova	0.003	0.007	26	79
Romania	0.226	0.542	1 987	5 961
Serbia	0.040	0.096	352	1 055
Slovakia	0.171	0.410	1 503	4 510
Slovenia	0.100	0.240	879	2 638
Spain	2.973	7.129	26 140	78 419
Sweden	0.960	2.302	8 441	25 322

Column A: Countries (Parties)	*Column B: United Nations scale of assessments (percentage)*	*Column C: Adjusted United Nations scale of assessments (percentage)*	*Column D: Contribution calculated based on the scale of assessments for 2015 (US$)*	*Column E: Contribution calculated based on the scale of assessments for 2015-2017 (US$)*
Switzerland	1.047	2.511	9 206	27 617
The former Yugoslav Republic of Macedonia	0.008	0.019	70	211
Ukraine	0.099	0.237	870	2 611
United Kingdom of Great Britain and Northern Ireland	5.179	12.419	45 536	136 607
European Union	–	3.330	36 630	12 210
Total	**40 310**	**100 000**	**366 667**	**1 110 000**

Draft decision VI/5–II/5

[*to be considered by the Meeting of the Parties to the Convention at its sixth session and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol at its second session*]

Accession by Member States of the United Nations not members of the United Nations Economic Commission for Europe

The Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, meeting in joint session,

Recalling their decision V/8–I/8 on accession by Member States of the United Nations not members of the United Nations Economic Commission for Europe,

Also recalling decision V/2 of the Meeting of the Parties to the Convention on interpretation of article 14 of the Convention, and the desire expressed therein to bring about an early entry into force of the amendments adopted through its decisions II/14 and III/7,

Further recalling article 17, paragraph 3, of the Convention, as adopted by decision II/14 of the Meeting of the Parties to the Convention, which concerns the accession upon approval of a State that is a Member of the United Nations but that is not a member of the United Nations Economic Commission for Europe (ECE),

Additionally recalling article 23, paragraph 3, of the Protocol, which concerns the accession upon approval of a State that is a Member of the United Nations but that is not a member of ECE,

Convinced that the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment are effective instruments for fostering environmentally sound and sustainable development, and for supporting cooperation also beyond the ECE region,

Wishing to share the knowledge, practices and experience gained in the ECE region and, at the same time, to benefit from the knowledge, practices and experience in other regions of the world,

Recognizing the increased interest in the Convention and the Protocol and the involvement of many non-ECE countries in activities within their framework,

Acknowledging the need for a procedure for accession by non-ECE countries not differing from the procedure for accession by ECE-countries,

Expressing the unanimous desire to allow countries outside the ECE region to become Parties to the Convention and to the Protocol as soon as possible,

1. *Express satisfaction* that article 17, paragraph 3 adopted by decision II/4 will enter into force on [add date] [shortly], in accordance with article 14, paragraph 4, of the Convention, and taking into account decision V/2 of the Meeting of the Parties to the Convention on the interpretation of article 14 of the Convention, for those States that have ratified, approved or accepted the amendment;

2. *Urge* all the States that were Parties to the Convention on 27 February 2001 that have not yet done so to ratify the amendment to article 17 as soon as possible, for it to have effect;

3. *Decide* that, for the purposes of the amendment to article 17 of the Convention, adopted by decision II/14, any future request for accession to the Convention by any Member of the United Nations that is not a member of the United Nations Economic Commission for Europe is welcome and, therefore, shall be considered as approved by the Meeting of the Parties;

4. *Acknowledge* that the present approval of future requests for accession to the Convention will take effect upon entry into force of the amendment to article 17 in accordance with article 14, paragraph 4, of the Convention, and taking into account decision V/2 of the Meeting of the Parties to the Convention on interpretation of article 14 of the Convention;

5. *Invite* any Member of the United Nations that is not a member of the United Nations Economic Commission for Europe and which submits an instrument of accession in accordance with paragraph 3 above to unilaterally accept the provisional application of the Convention until the amendment to article 17 of the Convention has entered into force for all the States and organizations that were Parties to the Convention on 27 February 2001;

6. *Decide* that, for the purposes of article 23, paragraph 3, of the Protocol, any future request for accession to the Protocol by any Member of the United Nations that is not a member of the United Nations Economic Commission for Europe is welcome and, therefore, shall be considered as approved by the Meeting of the Parties;

7. *Also decide*, that the provision of article 24, paragraph 3, of the Protocol shall be interpreted as applying, mutatis mutandis, to the case of accession pursuant to article 23, paragraph 3, and that the Protocol shall therefore enter into force for any State referred to in article 23, paragraph 3, on the ninetieth day after the date of deposit by the State of its instrument of accession;

8. *Request* the secretariat to inform the United Nations Treaty Section and the interested Members of the United Nations which are not members of the United Nations Economic Commission for Europe about the present decision;

9. *Invite* interested Members of the United Nations that are not members of the United Nations Economic Commission for Europe to take steps to implement the two treaties with a view to a future accession to the Convention and the Protocol in accordance with article 17, paragraph 3, of the Convention, and article 23, paragraph 3, of the Protocol, respectively.

United Nations ECE/MP.EIA/2014/L.3

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Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Sixth session
Geneva, 2–5 June 2014
Item 11 (a) of the provisional agenda
Adoption of decisions: decisions to be taken by the Meeting of the Parties to the Convention

Draft decision on the review of compliance with the Convention

Proposal by the Implementation Committee

Summary

The present draft decision was finalized by the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context at its thirtieth session (Geneva, 25–27 February 2014), having taken into account suggestions made by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment during and after its third meeting (Geneva, 11–15 November 2013).

Section III, paragraphs 52 to 63, contains the Committee's recommendations further to the submission by Lithuania expressing concerns about compliance by Belarus with its obligations under the Convention with respect to the planned building of a nuclear power plant in Ostrovets, as finalized by the Committee at its twenty-seventh session (Geneva, 12–14 March 2013). In the light of the steps taken since then by the Parties concerned, Belarus and Lithuania, the Committee supplemented its recommendations at its thirtieth session (Geneva, 25–27 February 2014). These recommendations are included in paragraphs 64 to 67 of the draft decision (see also report on the activities of the Implementation Committee, ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4).

The Meeting of the Parties is expected to review the draft decision and agree on its adoption.

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Contents

		Page
	Draft decision VI/2 on review of compliance	3
Annexes		
I.	Amendments to the structure and functions of the Implementation Committee and procedures for review of compliance	14
II.	Amendments of the operating rules of the Implementation Committee	16

Draft decision VI/2

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context at its sixth session*]

Review of compliance

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), and decisions III/2, IV/2 and V/4 of the Meeting of the Parties to the Convention on the review of compliance,

Recalling further article 14 bis of the second amendment to the Convention,

Determined to promote and improve compliance with the Convention,

Seeking to promote the identification, as early as possible, of compliance difficulties encountered by Parties and the adoption of the most appropriate and effective solutions for resolving those difficulties,

Having considered the analysis made by the Implementation Committee on general compliance issues in the Third Review of Implementation of the Convention, as presented in document ECE/MP.EIA/16,

Having also considered the findings and recommendations of the Committee on three submissions made to the Committee in accordance with paragraph 5 (a) in the appendix to decision III/2[1] and on two Committee initiatives further to paragraph 6 of the appendix to decision III/2, as set out in the reports of the Committee on its twenty-sixth, twenty-seventh, twenty-eighth, and thirtieth sessions,[2]

Having reviewed the structure and functions of the Committee, as described in the appendix to decision III/2,[3] and considering that it is necessary to ensure continuity of the Committee's work during each intersessional period,

Having also reviewed the operating rules adopted in decision IV/2,[4] as amended by decision V/4,[5] and recognizing the importance of improving the effectiveness of the compliance mechanism under the Convention,

Having further reviewed the opinions of the Committee,

Recognizing the importance of rigorous reporting by Parties on their compliance with the Convention, and noting the Fourth Review of Implementation of the Convention[6] based on Parties' answers to the questionnaires on the implementation of the Convention adopted in decision VI/1,

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[1] ECE/MP.EIA/6, annex II.

[2] ECE/MP.EIA/IC/2012/6, annexes I and II; ECE/MP.EIA/IC/2013/2, annex; ECE/MP.EIA/IC/2013/4, annex; and ECE.MP.EIA/IC/2014/2, annex (forthcoming).

[3] ECE/MP.EIA/6, annex II.

[4] ECE/MP.EIA/10, annex IV.

[5] ECE/MP.EIA/15, annex.

[6] ECE/MP.EIA/2014/3.

Recalling that the compliance procedure is assistance-oriented and that Parties may make submissions to the Committee on issues regarding their compliance with the Convention,

I. General part

1. *Adopts* the Committee's report on its activities contained in document ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4, welcomes the reports of the meetings of the Committee in the period after the fifth session of the Meeting of the Parties to the Convention, and requests the Committee:

(a) To keep the implementation and application of the Convention under review;

(b) To promote and support compliance with the Convention, including by providing assistance in this respect, as necessary;

2. *Welcomes* the examination by the Committee of specific compliance issues identified in the Third Review of Implementation adopted in decision V/1, regarding Albania, Croatia, Portugal and the Republic of Moldova, which in the case of Croatia, Portugal and the Republic of Moldova resulted in the Committee declaring its satisfaction with the clarifications provided by Parties, and in case of Albania led to a Committee initiative;

3. *Welcomes also* the examination by the Committee of information received from other sources, including the public, regarding Azerbaijan, Belarus, Lithuania, Romania and the United Kingdom of Great Britain and Northern Ireland, and three times regarding Ukraine, which in the case of Belarus was superseded by a submission initiated by Lithuania; in the case of Romania was considered within the Committee's mandate to review compliance with the Protocol; in the case of Azerbaijan and Lithuania resulted in the Committee declaring its satisfaction with the clarifications provided by Parties; and in the case of the United Kingdom and Ukraine led to Committee initiatives;

4. *Notes* the information received from other sources for two cases regarding Ukraine that are to be considered by the Committee at its forthcoming sessions;

5. *Considers also*, following the opinions of the Committee, that:

(a) The obligation in article 3 of the Convention to notify potentially affected Parties rests solely with the Party of origin.[7] The secretariat having exceptionally acted as an intermediary does not release a Party from its obligations under the Convention.[8] Article 13 of the Convention cannot be interpreted as providing an obligation on the secretariat to act as an intermediary in the procedures set out in the Convention;[9]

(b) If, under exceptional circumstances, the Party of origin seeks the assistance of an intermediary in fulfilling its obligations to notify potentially affected Parties, it retains responsibility for any actions or omissions of the intermediary in the process of notification;[10]

(c) When a Party of origin entrusts the notification procedure to an intermediary, the fulfilment of the conditions set out in article 3, paragraph 3, is to be established from the

[7] ECE/MP.EIA/IC/2012/2, para. 17, and ECE/MP.EIA/IC/2012/6, annex I, para. 38.
[8] ECE/MP.EIA/IC/2012/6, annex I, para. 37 (a).
[9] Ibid., para. 38.
[10] Ibid., para. 37 (d) and ECE/MP.EIA/IC/2012/2, para. 17.

correspondence between the affected Parties and the intermediary, unless otherwise agreed upon between the Parties concerned and the intermediary;[11]

(d) Any miscommunications between the Party of origin and the intermediary should have no impact on the application of the provisions of the Convention;[12]

(e) Neither the Convention itself nor the applicable international rules provide for an exception, and therefore absence of diplomatic relations cannot be considered legitimate reason for not applying the Convention;[13]

(f) The extension of the lifetime of a nuclear power plant, after expiration of the original licence, even in the absence of any works, is to be considered as a major change to an activity and consequently subject to the provisions of the Convention;[14]

(g) E-mail is a widely used, commonly acceptable and rapid means of communication and information exchange, including in public international relations, and the legal validity of electronic means of communication for the purposes of notifying is acknowledged;[15]

(h) A Party that responds by electronic means to a notification within the time specified for response has fulfilled its obligation under article 3, paragraph 3, as regards the timeliness of the response;[16]

(i) The procedure in article 3, paragraph 7, does not substitute for the obligations of a Party of origin deriving from the Convention to notify possibly affected Parties, or to fulfil any other step of the transboundary EIA procedure in compliance with the Convention in case transboundary environmental impacts cannot be excluded;[17]

(j) The affected Party must clearly express its will to participate in the transboundary environmental assessment procedure. In addition, the affected Party may or may not express an opinion on the substance or the merits of the proposed activity which was the subject of the Party of origin's notification, without this causing prejudice to the future exchanges and consultation between the two Parties;[18]

(k) Although the Convention does not specify mechanisms for public participation, the holding of public hearings is an essential step in the effective public participation provided for in article 2, paragraph 6, and article 3, paragraph 8, of the Convention as set out in the Guidance on public participation;[19]

(l) As such, a website could be one of the useful means to allow for the public of the Parties concerned to participate in a transboundary EIA procedure, if they so agree, provided that the information is complete, provided in time and, for the relevant parts of the EIA documentation, in the language of the affected Party, and that the public is given a possibility to comment on the website;[20]

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[11] ECE/MP.EIA/IC/2012/6, annex I, paras. 37 (b) and 38.
[12] Ibid., para. 37 (c).
[13] Ibid., para. 46.
[14] See ECE/MP.EIA/IC/2014/2, annex (forthcoming); see also ECE/MP.EIA/IC/2013/2, para. 21 and ECE/MP.EIA/IC/2011/8, para. 43.
[15] ECE/MP.EIA/IC/2012/6, annex I, para. 33.
[16] Ibid.
[17] See ECE/MP.EIA/IC/2014/2, annex (forthcoming).
[18] ECE/MP.EIA/IC/2012/6, annex I, para. 34.
[19] ECE/MP.EIA/IC/2013/2, annex, para. 44.
[20] Ibid., para. 48.

(m) The participation of representatives of some non-governmental organizations in the meetings of the board of a nuclear regulatory authority does not amount to public participation in the areas likely to be affected in the meaning of article 2, paragraph 6, of the Convention;[21]

(n) If an EIA procedure were to be necessary only for the construction or demolition of physical parameters, such as buildings, of a nuclear power plant and not for the modernization and replacement of technical components for safety reasons, Parties would be able to continuously modernize and thus extend the lifetime for all existing nuclear installations, without ever carrying out an EIA procedure in accordance with the Convention;[22]

(o) The EIA documentation must evaluate and justify the different elements to be taken into account for the reasonable locational alternatives required in accordance with appendix II to the Convention;[23]

(p) The choice of the location of the proposed activity should result from the EIA procedure and should not be determined before the final EIA report is issued, unless the choice of the location is determined in an appropriate strategic environmental assessment procedure that included a transboundary procedure;[24]

(q) In accordance with article 5 of the Convention, consultations should not be only a mere formality but should concern the measures to "reduce or eliminate" (art. 5, para. 1) the potential transboundary impact of the proposed activity and allow thorough examination of its possible alternatives;[25]

(r) In order to allow for meaningful consultations under article 5, the information provided by the Party of origin should be as complete and precise as possible and, in particular, should meet any reasonable request as to its scope made by the affected Party;[26]

6. *Reiterates its recommendation that*, pending the entry into force of the second amendment to the Convention as adopted by decision III/7, Parties in their role of Party of origin:

(a) Notify as early as possible and when determining case by case the content of EIA documentation ("scoping"), where applicable, so that the EIA documentation can meet the needs of the affected Party;

(b) Involve the affected Party in any such case-by-case determination (see decision V/4, para. 7);

7. *Also reiterates* its recommendation that even a low likelihood of a significant adverse transboundary impact should trigger the obligation to notify affected Parties (see decision III/4, annex IV, para. 28), and that notification is necessary unless a significant transboundary impact can be excluded (see decision IV/2, annex I, para. 54);

8. *Encourages* Parties to bring issues concerning their own compliance before the Committee;

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[21] See ECE/MP.EIA/IC/2014/2, annex (forthcoming).
[22] Ibid.
[23] ECE/MP.EIA/IC/2013/2, annex, para. 54.
[24] Ibid.
[25] Ibid., para. 51.
[26] Ibid., para. 52.

9. *Requests* the Committee to provide assistance to Parties in need of such assistance, as appropriate and to the extent possible, and in this respect refers to decision VI/3 of the sixth session of the Meeting of the Parties on the adoption of the workplan;

10. *Urges* Parties to take into account in their further work the recommendations for further improving the implementation of and compliance with the Convention, including by strengthening national legislation, based on but not limited to the analyses on general compliance issues:

(a) From the First Review of Implementation, adopted by decision III/1, the Second Review of Implementation adopted by decision IV/1 and the Third Review of Implementation adopted by decision V/3 of the Meeting of the Parties to the Convention;

(b) As presented in chapter III of the Committee's previous report on its activities;[27]

(c) As presented in chapter III of the Committee's latest report on its activities;[28]

11. *Also urges* Parties to take into account in their further work the opinions of the Committee in the period from 2001 to 2014, and requests the secretariat to arrange for the revision of the publication of these opinions to include the Committee's opinions from 2011–2014;

12. *Adopts* the amendments to the structure and functions of the Committee, set out in the annex I to this decision, and requests the secretariat to arrange publication of the amended structure and functions in electronic format;

13. *Adopts* the amendments to the operating rules of the Committee set out in the annex II to this decision, which should be applied to any meeting and to the conduct of any other business of the Committee and should be read together with and in furtherance of the structure, functions and procedures described in the appendix to decision III/2 of the Meeting of the Parties to the Convention, as amended by decision V/4 and the present decision (annex I), as well as decision V/6–I/6 of the of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, and requests the secretariat to arrange publication of the amended operating rules in electronic or paper format, as appropriate;

14. *Decides* to keep under review and to develop if necessary the structure and functions of the Committee as well as its operating rules at the seventh session of the Meeting of the Parties in the light of experience gained by the Committee in the interim, and requests the Committee to prepare any proposals, as it deems necessary, for the seventh session of the Meeting of the Parties;

II. Follow-up to decision V/4

A. Regarding Ukraine

15. *Welcomes* the efforts demonstrated by the Government of Ukraine to follow the recommendations by the Meeting of the Parties in decision V/4;

16. *Appreciates* the timely reports received from the Government of Ukraine further to paragraph 24 of decision V/4;

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[27] ECE/MP.EIA/2011/4.

[28] ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4.

17. *Welcomes* the preparation by the Government of Ukraine of a new draft law on the implementation of the Convention, as a concrete legislative measure for the implementation of the strategy of the Government of Ukraine to implement the Convention;

18. *Expresses deep concern*, however, that the strategy has not been fully implemented, and in particular that the respective legislative measures for the implementation of the Convention have not yet been adopted;

19. *Appreciates* that monitoring measures have been put in place with regard to the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta (the Project);

20. *Regrets*, however, that no steps have been taken to bring the Project into full compliance with the Convention, implementing the measures in accordance with paragraph 19 of decision V/4;

21. *Endorses* therefore the finding of the Implementation Committee at its thirtieth session that, despite some steps taken, Ukraine has not yet fulfilled all its obligations under paragraph 24 of decision V/4;

22. *Endorses* also the finding of the Committee that the recent decisions by the Government of Ukraine to continue dredging activities, such as the Action Plan adopted by decision No. 187 of 27 July 2013, may indicate a further breach of its obligations under the Convention;

23. *Declares* therefore that the caution to the Government of Ukraine issued at its fourth session is still effective;[29]

24. *Requests* the Government of Ukraine to adopt the relevant draft legislation and to bring the Project into full compliance with the Convention by the end of 2015;

25. *Also requests* the Government of Ukraine to report by the end of each year to the Committee on how it implemented paragraph 24 above, and specifically:

(a) On the implementation of the strategy by the end of 2015, in particular concrete legislative measures adopted to this effect, and to provide to the Committee relevant draft legislation for its review before it is adopted;

(b) On steps taken to bring the Project into full compliance, implementing the measures in accordance with paragraph 19 of decision V/4, by the end of 2015, while refraining from any measure or programme which could jeopardize the fulfilment of these recommendations;

26. *Further requests* the Government of Ukraine to inform Romania about existing monitoring results and to consult with Romania on the post-project analysis, according to article 7 of the Convention, as well as also to report to the Committee, eight months before the seventh session of the Meeting of the Parties, on the implementation of article 7 of the Convention;

27. *Encourages* the Governments of Ukraine and Romania to further develop the bilateral agreement for improved implementation of the Convention;

28. *Requests* the Committee to report to the Meeting of the Parties to the Convention at its seventh session on its evaluation of the steps taken by the Government of Ukraine to bring about compliance and to implement the strategy, and to develop, if

[29] ECE/MP.EIA/IC/2009/4, para. 16.

appropriate, further recommendations to assist Ukraine in complying with its obligations under the Convention;

B. Regarding Armenia

29. *Welcomes* the progress made by the Government of Armenia towards adoption of the draft revised legislation, prepared in the previous intersessional period with the assistance of the Implementation Committee and the Convention secretariat, for the implementation of the Convention in accordance with the Committee's findings (decision V/4, paras. 27–28);

30. *Appreciates* the reports received from the Government of Armenia during the intersessional period;

31. *Invites* the Government of Armenia to adopt the revised draft law as soon as possible while ensuring that:

(a) The legislation adopted is in compliance with the Convention and the Protocol on SEA;

(b) Since Armenia is also a Party to the Convention on Access to Information Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), that the public participation procedures at the national level are in line with the minimum requirements set out in article 6 of the Aarhus Convention, so as to provide for proper public participation procedures in a transboundary context under the Espoo Convention;

32. *Requests* the Government of Armenia to ensure that the adopted legislation is in concordance with the recommendations of the international consultant to the secretariat;

33. *Also requests* the Government of Armenia to regularly report to the Committee on the progress made;

34. *Further requests* the Committee to report to the Meeting of the Parties at its seventh session on the Committee's evaluation of the legislation adopted by Armenia for the implementation of the Convention;

35. *Invites* the secretariat to offer technical advice to the Government of Armenia to assist it in bringing its draft legislation fully in line with the provisions of the Convention, as well as with the provisions of the Protocol before its adoption;

C. Regarding Romania

36. *Welcomes* the reports received from the Governments of Romania and Ukraine further to paragraph 30 of decision V/4;

37. *Encourage* the Governments of Romania and Ukraine to strengthen their cooperation in preparing a bilateral agreement or other arrangement to support further the provisions of the Convention, as set out in article 8 of the Convention, further to paragraph 14 of decision IV/2 and paragraph 30 of decision V/4;

D. Regarding Azerbaijan

38. *Welcomes* the preparation by the Government of Azerbaijan, with the technical assistance provided by a consultant to the Convention secretariat, of draft legislation for the implementation of the Convention, noting that the draft legislation includes also provisions on strategic environmental assessment;

39. *Appreciates* the reports received from the Government of Azerbaijan on progress in implementing the recommendations by the consultant for further strengthening Azerbaijan's capacity to comply fully with its obligations under the Convention;

40. *Takes note* of the fact that the draft legislation presented to the Committee during the intersessional period (September 2013) has in the meantime been amended, specifically with regard to the public participation procedures, the annexes and the regulation of strategic environmental assessment matters;

41. *Requests* Azerbaijan to ensure that the draft framework law on environmental assessment, as well as the subsequent implementing regulations to be adopted, comply with the Convention, taking into account the recommendations of the international consultant to the secretariat, and also the draft general guidance on enhancing consistency between the Convention and the environmental impact assessment in the framework of the State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia, adopted through decision VI/8;[30]

42. *Requests* the Government of Azerbaijan to adopt the draft law and the subsequent implementing regulations, as well as to regularly report to the Committee on the progress made;

43. *Also requests* the Committee to report to the Meeting of the Parties to the Convention at its seventh session on its evaluation of the legislation adopted in accordance with the Convention;

44. *Invites* the secretariat to offer technical advice to the Government of Armenia to assist it in bringing its draft legislation fully in line with the provisions of the Convention, as well as with the provisions of the Protocol before its adoption;

III. Submissions by Parties

A. Regarding Armenia[31]

45. *Endorses* the finding of the Committee that Armenia was in non-compliance with its obligation under the article 3, paragraph 1, of the Convention to notify Azerbaijan as early as possible and no later than when informing its own public, with respect to the construction of the nuclear power plant in Metsamor referred to in the submission by Azerbaijan regarding Armenia of 5 May 2011;

46. *Endorses* the finding of the Committee that Armenia is not in non-compliance with article 3, paragraphs 5 and 8, article 4, paragraph 2, article 5 and article 6 of the Convention, considering that — to the extent that the final decision on the construction of the nuclear power plant had not yet been taken and the works had not yet been initiated — there was still a possibility for Armenia to continue the implementation of the subsequent steps in the transboundary EIA procedure;

47. *Encourages* both Parties to find practical ways to fully implement the provisions of the Convention, in view of the willingness of the Governments of Armenia and Azerbaijan to continue doing so and the presence of the exceptional circumstances;

48. *Also encourages* both Armenia and Azerbaijan to explore ways to support their implementation of the Convention, such as the possible designation of an intermediary and the use of new technologies and innovative approaches for communication;

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[30] ECE/MP.EIA/2014/2.

[31] ECE/MP.EIA/IC/2012/6, annex I, paragraph 51.

B. Regarding Azerbaijan[32]

49. *Endorses* the findings of the Committee that, in accordance with the information provided to the Committee, Azerbaijan was not in non-compliance with its obligations under article 2, paragraph 4, article 3 paragraphs 1 and 8, article 5, and article 6, paragraph 1, of the Convention, with respect to the following projects:

(a) The Joint Development and Production Sharing for the Azeri and Chirag Oil and Gas Fields in the Deep Water Portion of the Gunashli Oil and Gas Field in the Azerbaijan Sector of the Caspian Sea, including the Sangachal terminal project;

(b) The Exploration, Development and Production Sharing for the Shah Deniz Prospective Area in the Azerbaijan Sector of the Caspian Sea, including the expansion of the Sangachal terminal project;

(c) The Baku-Novorossiysk pipeline — North Route Export Pipeline;

(d) The Transportation of Petroleum via the Territories of the Azerbaijan Republic, Georgia and the Republic of Turkey through the Baku-Tbilisi-Ceyhan Main Export Pipeline Project;

(e) The Baku-Tbilisi-Erzurum Gas Pipeline — South Caspian Pipeline;

50. *Encourages* Azerbaijan to continue monitoring and submitting monitoring reports to Armenia with a view to taking all appropriate and effective measures to control any significant adverse transboundary impact from the activities mentioned in Armenia's submission, in accordance with article 2, paragraph 1, of the Convention.

51. *Encourages* Azerbaijan to continue improving the legal, administrative and other measures to reach full compliance with the Convention, in line with the recommendations made under the Committee initiative on Azerbaijan,[33] including clearly designating in its legislation what decision constitutes a final decision and ensuring that this decision complies with the requirements of article 6 of the Convention;

C. Regarding Belarus[34]

52. *Endorses* the finding of the Committee that, following the recent legislative changes in Belarus, Belarus has improved its legal framework on EIA and that there were no grounds for finding non-compliance with article 2, paragraph 2, of the Convention;

53. *Endorses* the findings of the Committee that, on 14 March 2013, the date of the adoption by the Committee of its report on its twenty-seventh session, including the findings as an annex to the report, Belarus was in compliance with its obligations under article 3, paragraph 2 (a) and (c), and article 3, paragraph 8, of the Convention in relation to the activities referred to in the submission by Lithuania regarding Belarus on 16 June 2011;

54. *Endorses* the findings of the Committee that Belarus on 14 March 2013 was in non-compliance with its obligations under article 2, paragraph 6, article 4, paragraph 2, article 5, paragraph (a), and article 6, paragraphs 1 and 2, of the Convention in relation to the activities referred to in the submission;

55. *Requests* the Government of Belarus to take a final decision on the site selection, in full compliance with the requirements of article 6, i.e., ensuring that due account has been taken of the outcome of the EIA documentation, and the comments

[32] ECE/MP.EIA/IC/2013/4, annex, paragraph 78.
[33] ECE/MP.EIA/IC/2009/4, paragraph 32.
[34] ECE/MP.EIA/IC/2013/2, annex, paragraph 74; and ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4.

thereon received pursuant to article 3, paragraph 8, and article 4, paragraph 2, as well as the outcome of the consultations referred to in article 5;

56. *Also requests* Belarus to provide to Lithuania the final decision on the proposed activity taken in accordance with the previous recommendation, along with the reasons and considerations on which it was based;

57. *Further requests* Belarus to continue the procedure of transboundary EIA on the basis of the final EIA documentation. To this end, and in accordance with the provisions of the Convention, Belarus should agree with Lithuania on the steps to be followed, answer all Lithuania's questions, and take into consideration the Lithuanian comments;

58. *Urges* Belarus and Lithuania to make further efforts to ensure that the language requirements of public consultations are satisfied;

59. *Requests* Belarus and Lithuania to ensure that the Lithuanian public is informed about the final EIA report and provided with possibilities for making comments or objections to it, in line with article 3, paragraph 8, of the Convention;

60. *Encourages* Belarus and Lithuania to continue consultations, on the basis of article 5, and urges Parties to agree on a reasonable time frame for the consultation period;

61. *Also encourages* Belarus and Lithuania to agree on a post-project analysis in accordance with article 7 of the Convention;

62. *Further encourages* Belarus and Lithuania to conclude the bilateral agreement for the implementation of the Convention in accordance with article 8;

63. *Requests* Belarus and Lithuania to report by the end of each year to the Committee on the implementation of these recommendations;

64. *Welcomes* the steps taken by both Parties, especially by Belarus, since the Committee's twenty-seventh session, in following the Committee's recommendations to the Meeting of the Parties, and notes that these steps, as detailed in the Committee's report on its activities to the Meeting of the Parties, have the potential to address the findings of non-compliance;

65. *Regrets* that Belarus and Lithuania were not able to agree on the steps undertaken within the transboundary procedures after 14 March 2013;

66. *Invites* Lithuania and Belarus to improve their communication and cooperation for the implementation of the Convention, inter alia, by establishing a permanent joint body on post-project analysis according to article 7 and any other relevant issue concerning the Ostrovets nuclear power plant;

67. *Requests* the Implementation Committee to thoroughly analyse the steps undertaken after the adoption of the Committee's report on its twenty-seventh session and to reflect the conclusions of its analysis in the report of the Committee's thirty-second session at the latest, and to report to the Meeting of the Parties at its seventh session on the matter;

IV. Committee initiative

A. *Regarding Albania*[35]

68. *Endorses* the finding of the Committee that Albania is not in non-compliance with the Convention in relation to its obligation to report on its implementation of the Convention;

69. *Encourages* Albania to create the necessary institutional framework to ensure the proper implementation of the requirement to report on its implementation and to report to the Committee;

70. *Welcomes* the efforts undertaken by Albania during the intersessional period to implement the Committee's recommendations and notes with appreciation the timely reporting by Albania on its implementation of the Convention in the period 2010–2012;

B. *Regarding Ukraine*[36]

71. *Endorses* the findings of the Implementation Committee that the extension of the lifetime of a nuclear power plant, after the initial/previous licence/permit has expired, is to be considered as a proposed activity under article 1, paragraph (v), of the Convention, and is consequently subject to the provisions of the Convention;

72. *Endorses* the findings of the Implementation Committee that Ukraine is in non-compliance with its obligations under article 2, paragraph 2, with respect to the general legal and administrative framework applicable in the decision-making for the extension of the lifetime for nuclear reactors;

73. *Endorses* the findings of the Implementation Committee that Ukraine is in non-compliance with its obligations under article 2, paragraphs 2 and 3, article 4, paragraph 1, and articles 3 and 6 with respect to the extension of lifetime for reactors 1 and 2 of the Rivne nuclear power plant;

74. *Requests* Ukraine to amend its legislation to provide for the application of the Convention in similar cases of the lifetime extension for nuclear installations;

75. *Invites* Ukraine to notify potentially affected Parties, taking into account that potential impacts extend not only to neighbouring countries, but may also be long-range,[37] about the extension of the lifetime of reactors 1 and 2 of the Rivne nuclear power plant, as required under the Convention, in due time and before the next periodic safety review due in 2020, and to undertake all subsequent steps, as appropriate, in line with the Convention;

76. *Urges* Ukraine to carry out an EIA that would permit public participation and preparation of EIA documentation described in appendix II to the Convention;

77. *Invites* Ukraine to report to the Committee on the measures taken to bring about compliance of the project with the Convention.

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[35] ECE/MP.EIA/IC/2012/6, annex II, paragraph 31.
[36] ECE/MP.EIA/IC/2014/2, annex (forthcoming).
[37] Cf. MP.EIA/WG.1/2003/3, para. 8.

Annex I

Amendments to the structure and functions of the Implementation Committee and procedures for review of compliance (decision III/2, appendix)

1. Replace paragraph 1 (a) of the structure and functions of the Implementation Committee and procedures for review of compliance (decision III/2, appendix) with the following text:

> 1. (a) The Committee shall consist of eight Parties.[a] Each of the eight Parties shall appoint a permanent member and should appoint an alternate member of the Committee. To ensure continuity of the Committee's discussions, Parties shall ensure that the members participate in all the Committee's sessions and alternate members only as an exception, when the permanent members cannot participate (see also the Committee's operating rule 4, para. 2). Should the permanent member not be able to participate, he/she shall be responsible for briefing the alternate member and facilitating his/her participation in a Committee's session;

2. Before paragraph 1 (b) insert new subparagraphs (b) and (c) as follows (and renumber the final subparagraph accordingly):

> (b) At their second meeting, the Parties elected four Parties to the Committee for two terms and four Parties for one term. At each session thereafter, the Meeting of the Parties shall elect four new Parties for two terms. Outgoing Parties may be re-elected once, unless in a given case the Meeting of the Parties decides otherwise. Further to the application of the implementation of the compliance procedure of the Convention to the Protocol (decisions V/6–I/6), Parties to the Convention and to the Protocol shall also cooperate with a view to ensuring that the total of the number of Parties elected under the Convention and under the Protocol shall preferably not exceed 12;
>
> (c) The Committee shall elect its own chair and two vice-chairs. The chair and the first vice-chair of the Committee shall also serve as vice-chairs of the Bureau;

3. Replace paragraph 3 with the following paragraph:

> 3. Committee meetings shall be open to other Parties and the public, unless the Committee decides otherwise. Parts of meetings dealing with any matter concerning specific submissions relating to compliance shall not be open to other Parties or to the public, unless the Committee and the Party whose compliance is in question agree otherwise.

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[a] In accordance with decision V/6–I/6 on the application of the compliance procedure of the Convention to the Protocol on Strategic Environmental Assessment, references in the Committee's structure and functions to the Convention and to the Meeting of the Parties to the Convention shall be understood also as referring to the Protocol and to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. In line with paragraph 2 of that decision, where review of compliance of the Protocol is concerned, the Committee should consist of eight Parties to the Protocol. If the elected members represent Parties to Convention that are not yet Parties to the Protocol, the Parties to the Protocol shall elect the necessary number of additional Parties for Protocol matters, to serve for the same term.

4. Replace paragraphs 9 and 10 with the following paragraphs:

9. At the invitation of the Committee, a Party in respect of which a submission is made or which makes a submission shall be entitled to attend the Committee's session and present to the Committee information and opinions on that submission, but shall not take part in the consideration of the matter, including the preparation and adoption of any report, or of findings and recommendations, of the Committee. The Committee shall decide on the content of any report or findings and recommendations by consensus, send a copy of the draft to the Parties concerned, and shall take into account any representations from such Parties in the finalization of the report (see also operating rule 11, para. 2).

10. A member of the Committee that represents a Party in respect of which a submission is made or which makes a submission shall not participate in, or be present during, the consideration by the Committee of that submission or the follow-up to the related decision by the Meeting of the Parties, including the preparation and adoption of any part of the report or findings and recommendations of the Committee relating to that submission (see also operating rule 17 para. 2).

Annex II

Amendments of the operating rules of the Implementation Committee (decision IV/2, annex IV, as amended by decision V/4)

1. In the operating rules of the Implementation Committee (decision IV/2, annex IV, as amended by decision V/4), add the following paragraphs to the end of the preamble:

> Upon the entry of the force of the Protocol on Strategic Environmental Assessment the Meeting of the Parties to the Convention, at its fifth session, and the Meeting of the Parties of the Convention serving as the Meeting of the Parties to the Protocol, at its first session, decided to extend the application of the compliance procedure of the Convention to the Protocol. Therefore, in accordance with decisions V/6–I/6:
>
> (a) The structure and functions of the Committee and its operating rules, as amended in the light of experience gained by the Committee, shall apply, mutatis mutandis, to the Protocol, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol;
>
> (b) References to the Convention and to the Meeting of the Parties to the Convention in the Committee's structure and functions and in the Committee's operating rules shall be understood as referring also to the Protocol and to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

2. Replace rule 2 with the following text so as to include an explicit reference to rule 37 of decision I/1 on the rules of procedure:

> The following rules of procedure of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context should apply, mutatis mutandis, to any meeting of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context, except as otherwise provided in the rules set out herein and in the appendix to decision III/2: rule 3 (Place of meetings); rules 12 and 13 (Agenda); rules 20 to 22 (Officers); rules 24 and 25 (c) (Secretariat); rules 28 and 30 to 35 (Conduct of business), except rule 32, paragraph 2; and rules 37 to 46 (Voting).

3. Amend rule 3 to add a new paragraph (b), as follows (and renumber the subsequent subparagraphs):

> (b) "Protocol" means the Protocol on Strategic Environmental Assessment to the Convention, adopted in Kyiv, Ukraine, on 21 May 2003;

4. Replace paragraphs 1 and 2 of rule 4 with the following:

> 1. The Meeting of the Parties shall elect Parties to serve for two terms in the Committee. Each Party elected by the Meeting of the Parties shall appoint a permanent member of the Committee for two terms. Each Party elected by the Meeting of the Parties should also appoint an alternate member for two terms. The term of office of a member shall commence with the appointment by a Party. This paragraph should apply without prejudice to the right of a Party elected by the Meeting of the Parties to appoint in exceptional cases a permanent replacement for the permanent or the alternate member.
>
> 2. Members are expected to participate in every meeting of the Committee. If in exceptional cases the permanent member is unable to participate in a meeting of the

Committee, the alternate member shall participate and the Party shall inform the Chair and the secretariat accordingly well in advance of the meeting. To ensure continuity in the Committee's deliberations, Parties should avoid rotation of permanent members and alternate members in a Party's participation in the Committee meetings. The responsibility for the proper briefing of the alternate member and the facilitation of his/her participation in a meeting rests with the permanent member who cannot participate. If the alternate member is also unable to participate, the respective Party should make every effort to find a suitable replacement of its nominated members for that meeting of the Committee, informing the Chair and the secretariat accordingly well in advance of the meeting.

5. Add new paragraph 4 at the end of rule 4, as follows:

4. Committee members elected for Protocol matters only may participate in the consideration of an issue relating to compliance with the Convention, provided that there is no objection by a Committee member elected for Convention matters. However, a Committee member elected for Protocol matters should not take part in decision-making concerning Convention matters and should not act as curator for an issue relating to compliance with the Convention, but might provide information, opinions and advice. This rule should be applied, mutatis mutandis, in the case of a Committee member elected for Convention matters only, but representing a Party to both the Convention and the Protocol. Further, this rule should be applied without prejudice to paragraphs 10 (entitlement to participate) and 12 (competence) of the structure and functions of the Committee and procedures for review of compliance, and without prejudice to the Committee's operating rules 5 (members), and 18 and 19 (decision-making).

6. In rule 5, replace paragraph 2 with the following:

2. A member that represents a Party in respect of which a submission is made or which makes a submission should not participate in the consideration by the Committee of that submission or the follow-up to a related decision by the Meeting of the Parties, and should not participate in, or be present during, the preparation and adoption of any part of a report, finding or recommendation of the Committee that relates to that submission. This paragraph should be applied, mutatis mutandis, in the case of a Committee initiative.

7. In rule 6, replace paragraph 1 with the following:

1. The Committee should elect a chair and two (first and second) vice-chairs for one term. They should serve in those capacities until their successors are elected. The chair and vice-chairs may be re-elected. If an officer resigns during, or is unable to complete, his or her term of office, the Committee should elect a successor until the end of the term. The Chair and the first Vice-Chair of the Committee shall also serve as Vice-Chairs of the Bureau, unless the Meetings of the Parties decide otherwise.

8. In rule 11, replace paragraph 2 with the following and add a new paragraph 3 (renumbering subsequent paragraphs):

2. When it is known that the Committee will discuss the matter of any submission at a particular meeting, the secretariat should notify the Parties involved that the matter will be discussed as well as of their right to present to the Committee information and opinions on the matter under consideration.

3. The Committee should not begin to prepare or adopt any finding or recommendation that relates to a submission before the Party in respect of which a

submission is made or which makes a submission, at the invitation of the Committee, presents their views on the submission before the Committee.

9. At the end of rule 11, add new paragraphs 5, 6 and 7, as follows:

5. Information presented to the Committee should be as concise and concrete as possible. Parties should avoid including information that is not strictly necessary to establish the existence and nature of the alleged non-compliance or to respond to the allegations or to the Committee's requests for additional information. If the information is inevitably lengthy due to the complexity of the matter and the volume of the related information, it is recommended that Parties include a three-page (maximum) summary with the main facts and/or arguments of their position.

6. Parties are requested to submit any information to the Committee through the secretariat. The information should be submitted in electronic form, and as relevant, by sending original copies subsequently by post.

7. The information should consist of original documents and their English translation. The Committee may choose not to consider documentation referred to by the Parties via web links.

10. In rule 12, replace paragraph 2 (e) with the following:

(e) In circumstances of persistent non-compliance since the previous Meeting of the Parties, a recommendation to the Meeting of the Parties to suspend, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, the special rights and privileges accorded to the Party concerned under the Convention and the Protocol, including the possibility to appoint a member to the Implementation Committee.

11. In rule 17, replace paragraph 2 with the following:

2. A Party in respect of which a submission is made or which makes a submission shall not participate in, or be present during, the consideration by the Committee of that submission, including the preparation and adoption of any part of the findings or recommendations of the Committee relating to that submission (see also para. 10 of the Committee's structure and functions).

12. Replace rule 19 with the following:

In between meetings, electronic means of communication might be used by the members for the purpose of decision-making and of conducting informal consultations on issues under consideration. Decisions can only be taken by electronic means of communication if all members participate in decision-making by submitting to the Chair and the secretariat their vote or abstention within the deadline set by the secretariat in consultation with the Chair, or by not replying at all within 10 days to the Chair's request for decision-making by electronic means of communication. Any decisions taken by electronic means of communication should be reflected in the report of the meeting of the Committee that follows the taking of the decision.

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Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Sixth session

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Second session

Geneva, 2–5 June 2014
Items 3 (d) and 12 of the provisional agenda

Outstanding issues: draft declaration

Adoption of the declaration

Draft declaration

Proposal by the Bureau

Summary

The present draft declaration was prepared by the Bureau under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment, with the support of the secretariat, as requested by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its third meeting (Geneva, 11–15 November 2013).

The declaration's section on nuclear energy-related issues builds on initial inputs from the Lithuanian Presidency of the Council of the European Union and the European Commission.

The Meetings of the Parties are expected to agree on the text of the draft declaration and on its adoption.

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Please recycle

We, the high-level representatives of the United Nations Economic Commission for Europe (ECE) member States and the European Union gathered in Geneva from 2 to 5 June 2014 on the occasion of the sixth session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

A. On the application of the Convention and the Protocol to nuclear energy issues

Mindful of the growing energy needs that call for diversification of energy sources, including the exploration of renewable energy sources,

Respecting the sovereign right of each Party to the Convention and the Protocol to make decisions upon its national energy mix, while protecting the environment and human health,

Aware that nuclear energy-related activities are being carried out or planned in the region and beyond,

Conscious that nuclear energy-related activities due to their nature can lead to significant transboundary and long-range adverse environmental impacts and imply special challenges due to great public concern and national interests,

Acknowledging that the Convention is a key instrument establishing rules for domestic action and international cooperation for preventing, reducing and controlling significant adverse transboundary environment impact from proposed activities that include nuclear energy-related activities,

Acknowledging also that the Protocol is an essential instrument to ensure the assessment of the environmental, including health, effects of plans and programmes, and possibly also policies and legislation, that set the framework for future development consent for projects, including in the field of nuclear energy,

Recognizing that other international treaties and relevant international organizations play an important role in ensuring nuclear safety and security worldwide,

1. *Emphasize* that Parties to the Convention and the Protocol that carry out nuclear energy-related activities should do so only in accordance with the Convention and the Protocol, in a sustainable manner, taking into consideration the precautionary and polluter pays principles, and respecting international nuclear safety standards and relevant environmental legislation;

2. *Invite* all Parties to apply the Convention and the Protocol in the nuclear energy-related field in a consistent, cooperative and transparent manner, following all the procedural steps, and ensuring that a transboundary environmental impact assessment of planned activities and a strategic environmental assessment of plans and programmes are undertaken before the decision to authorize or undertake the activities is taken or the plan or programme is adopted;

3. *Also invite* all Parties to the Convention and the Protocol to ensure early, timely and effective consultations and public participation — when all options (including locational and technological alternatives for planned activities) are open;

[4. *Recommend* that the environmental impact assessment documentation should describe, identify and assess all the impacts of a nuclear energy activity [from its design, location, construction, commissioning, operation, decommissioning or dismantling phases

in a life-cycle analysis and assessment,] or [throughout the whole life cycle] taking also into consideration its impacts on climate and risks,]

[5.] *Invite* all Parties to the Convention to take due account of the outcomes of the transboundary environmental impact assessment procedure in the final decision on the proposed activity, including the environmental impact assessment documentation and the comments made by the authorities and public of the potentially affected Parties;

[6. *Consider* that if an activity needs upgrade works during its life cycle — following stress tests or other assessments — this should be considered as a change to the activity in question and be subject to the provisions of the Convention;]

[7.] *Encourage* civil society and all stakeholders to actively and constructively participate in the environmental impact assessment and the strategic environmental assessment procedures and share best practices in this regard;

[8.] *Recognize* the need to assist countries in the practical application of the Convention and the Protocol in the field of nuclear energy, and welcome the decision to elaborate good practice recommendations to support the application of the Convention to nuclear energy-related activities (decision VI/7);

[9.] *Emphasize* that close cooperation and improved mutual understanding of other Parties' practices and needs in the field of nuclear energy will facilitate the application of transboundary environmental procedures in full compliance with the Convention and the Protocol;

[10.] *Encourage* more effective cooperation between Parties and secretariats with all relevant international treaties as well as international organizations to maximize synergies and strengthen capacities with a view to ensuring the highest possible quality of environmental assessment documentation and level of safety in the nuclear energy field, especially stressing the importance of the treaties under the auspices of the International Atomic Energy Agency (IAEA), including in particular the 1994 Convention on Nuclear Safety;

11. *Recommend* that Parties to the Espoo Convention and its Protocol explore the IAEA Site and External Events Design (SEED) Review Service, in order to ensure that the best available option is selected for nuclear energy development.

B. On the global application of the Convention and the Protocol

Convinced that the Convention and the Protocol are effective instruments for fostering environmentally sound and sustainable development, and for supporting closer international cooperation also beyond the ECE region,

Recognizing the important contribution of both treaties to improving environmental governance and transparency in planning and decision-making, promoting public participation pursuant to principles 10, 17 and 19 of the Rio Declaration on Environment and Development[1] and convinced that they bring benefits also worldwide,

[1] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference*, resolution 1, annex I (United Nations publication, Sales No. E.93.I.8 and corrigendum), available from http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm.

Emphasizing that the Convention is the only international legal instrument requiring countries to notify and consult each other on activities under consideration that are likely to have a significant adverse environmental impact across borders,

Emphasizing also that strategic environmental assessment, in particular, is a key tool for integrating environment and health considerations into planning, policymaking and legislation, including related to greening the economy and climate change mitigation, for all the United Nations Member States alike,

Recognizing that strategic environmental assessment can help all countries achieve the Millennium Development Goal of integrating the principles of sustainable development into their plans, programmes and policies to ensure environmental sustainability,

Welcoming the increased interest in the Convention and the Protocol and the involvement of many non-ECE countries in activities within their framework,

Wishing to share the knowledge, practices and experience gained in the ECE region and, at the same time, to benefit from the knowledge, practices and experience in other regions of the world,

Recalling that the Protocol provides for the accession of all United Nations Member States,

Recalling also decision II/14 of the Meeting of the Parties to the Convention of 27 February 2001 to amend the Convention's article 17 to allow for States outside the ECE region to become Parties to the Convention,

Aware that the 2001 amendment to the Convention must enter into force for all the Parties that were Party to the Convention at the time of the amendment's adoption for it to have effect,

Wishing to allow countries outside the ECE region to become Parties to the Convention and to the Protocol as soon as possible following a procedure for accession not differing from the procedure for accession by ECE member countries,

1. *Urge* all the States and organizations that were Parties to the Convention on 27 February 2001 that have not yet done so to ratify the amendment to article 17 as soon as possible;

2. *Call upon* all member States of ECE that have not yet done so to ratify and accede to the Convention, its amendments and the Protocol;

3. *Invite* other interested States that are Members of the United Nations to take steps to implement the two treaties with a view to a future accession;

4. *Emphasize* that, in order to reap the full benefit of the Convention and the Protocol, States must not only become Parties, but must also introduce all the necessary national measures, both legal and practical, to meet their obligations fully;

5. *Encourage* the Parties and Signatories to the Convention and the Protocol, as well as other United Nations Member States wishing to accede to the two treaties, to develop sufficient capacity for the Convention's and the Protocol's successful implementation;

6. *Recognize* that the successful implementation of the Convention and the Protocol depends in part on the relevant authorities having adequate administrative and financial capacity to comply fully with their requirements;

7. *Acknowledge* the need to raise awareness of the benefits of the Convention and the Protocol as well as to assist countries within and beyond the ECE region in their efforts to build capacities to effectively implement them,

8. *Call* for strengthening of cooperation with non-ECE countries interested in acceding to the Convention and the Protocol with a view to promoting mutual exchange of experience as well as the application of the two treaties beyond the ECE region;

9. *Call upon* Parties and encourage Signatories, other States as well as partner organizations and international financial institutions to coordinate their efforts in providing the appropriate technical assistance, as needed, notably for the development of legislation, and for building sufficient institutional capacity for the application of the Convention and the Protocol, in particular in countries in Eastern Europe, the Caucasus and Central Asia, as well as developing countries beyond the ECE region;

10. *Also invite* the secretariats of other relevant treaties, as well as international organizations, including other United Nations Economic and Social Council Regional Commissions and non-governmental organizations, to participate in and support the relevant activities under the Convention and the Protocol and to promote the application of the two treaties within their fields of competence;

11. *Further invite* civil society and all stakeholders to continue to assist with and contribute to the implementation and application of the Convention and the Protocol, noting that the meetings under the two treaties provide a platform for an exchange of views and information;

12. *Acknowledge* the role that international financial institutions and bilateral aid agencies play in mainstreaming environmental considerations into economic development throughout the world;

13. *Encourage* international financial institutions and bilateral aid agencies to ensure that their environmental assessment procedures are consistent with the Convention and the Protocol, notably in relation to their strategic planning and to investment projects with national and transboundary effects;

14. *Acknowledge* the importance of coordinated international cooperation among countries, governmental organizations and international financial institutions within and beyond the ECE region in assessing environmental, including health, effects, in particular in a transboundary context;

15. *Invite* the ECE Executive Secretary to continue to provide adequate secretariat support for the Convention and the Protocol and request the allocation of sufficient regular United Nations budget funds to ensure the stable and effective provision of secretariat functions, including to promote the implementation of the two treaties within and beyond the ECE region.